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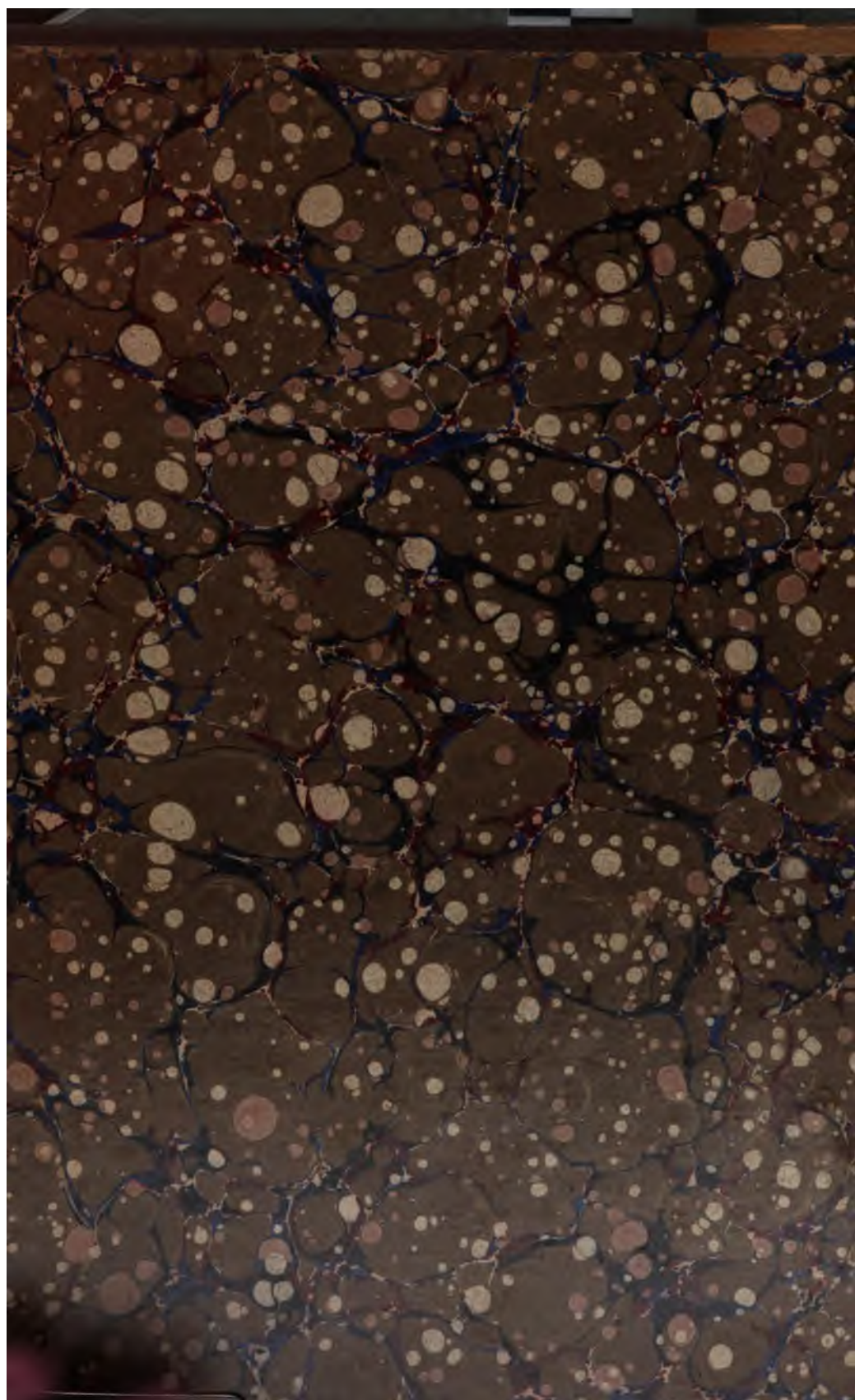
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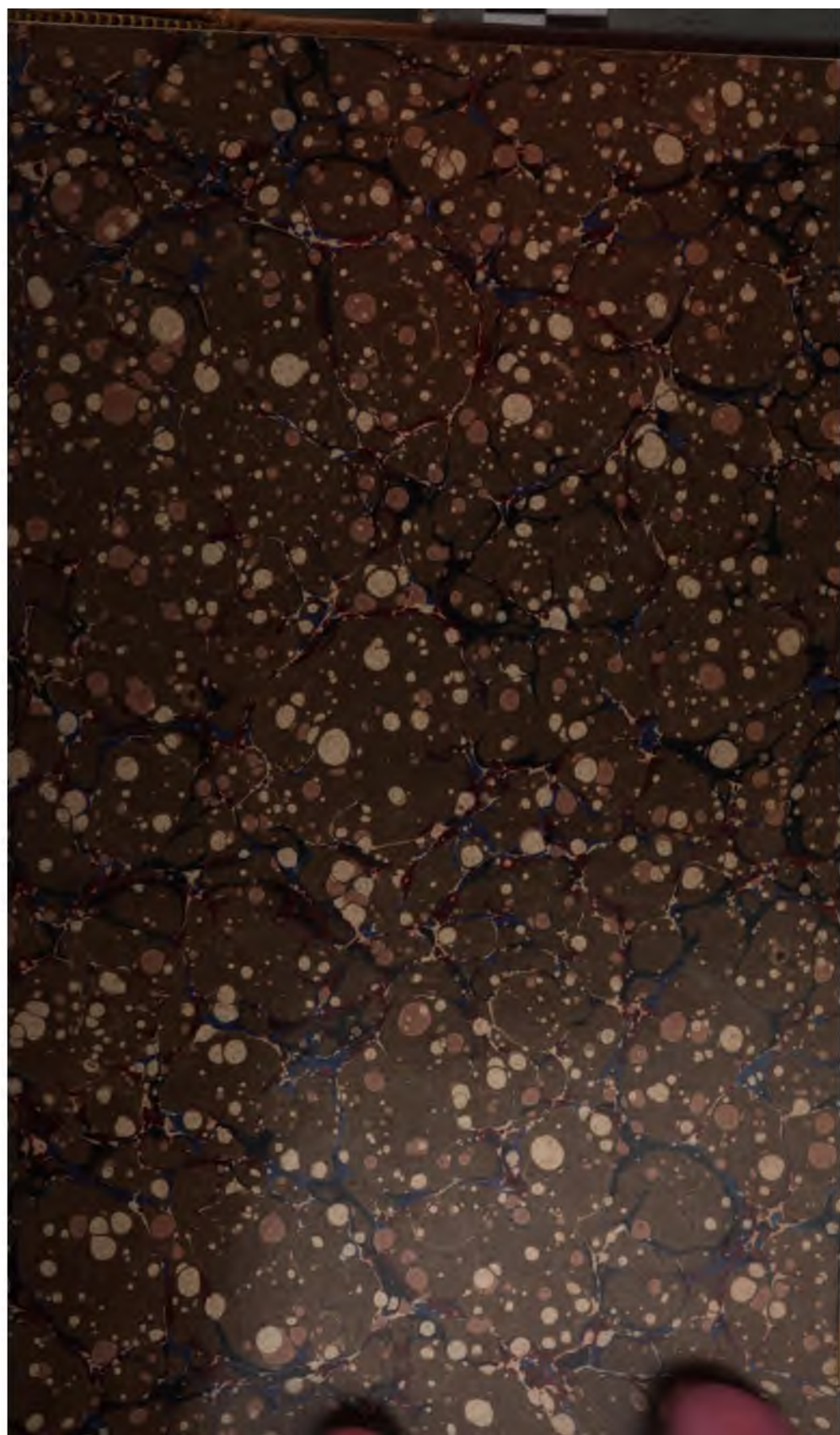
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THIRD SERIES.

VOL. VI. NO. 1.

APRIL, 1903.

# ANNALS OF IOWA.

A HISTORICAL QUARTERLY.



PUBLISHED BY THE  
HISTORICAL DEPARTMENT OF IOWA.

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DES MOINES, IOWA.



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TO THE BINDER.  
In binding this Volume of THE ANNALS, the steel portrait of the late Philip M. Crape should be removed from its present position as the frontispiece of No. 6 (fronting page 401) and placed in front page 221.

# THE ANNALS OF IOWA.

A HISTORICAL QUARTERLY.

VOLUME SIX—THIRD SERIES.

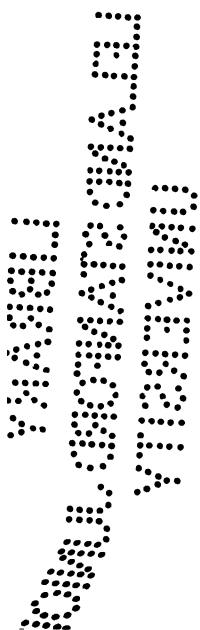
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*Yours Truly*  
*Geo C Duffield*

GEORGE C. DUFFIELD.

A pioneer settler of Van Buren county, and one of the founders of the Iowa State Agricultural Society.

# ANNALS OF IOWA.

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VOL. VI, No. 1.

DES MOINES, IOWA, APRIL, 1908.

3D SERIES.

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## COMING INTO IOWA IN 1837.

BY GEORGE C. DUFFIELD.

On the 9th day of March, 1837, James and Margaretta Duffield, with their eight children, arrived at Appanoose, on the left bank of the Mississippi river. On the right bank was Fort Madison. Samuel Swearingen and wife, with their seven children, were the only persons there who were acquainted with the Duffields before they reached this point, but an hour's meeting between men in those days was enough to make of them fast friends. A number of families were there that morning, all having waited over night to be ferried across. The experience of the Duffield family was the experience of all the others, and I will try to give an idea of it. It is as clear in my mind as if sixty-five years had rolled back and I was a boy again in buck-skin breeches and muskrat cap,—with precious little more—in the camp of immigrants at Appanoose.

We camped at a tavern the evening we reached the river; and camped is the name for it, because our mother and Mrs. Swearingen, with the girls, were the only ones who slept in the house. The men and boys cuddled into the hay ricks and under the wagons. The next morning we drove to the edge of the water. Our wagon was driven on to a flatboat. This boat was about 30 feet long and 12 feet wide. There were two sets of row-locks on each side, one man to each oar. A man stood at the stern with a long steering oar and guided the boat. Getting on the boat was quite a job, for there were a great many families waiting to be taken over,



and each took its turn. Each family would be numbered, and when that number was called would be put aboard as quickly as possible, those remaining being only too glad to lend a hand in order to hurry their turn along. Each man who crossed helped to row. There was but one boat, and it took a greater part of a day to get our party over. The rapid current carried us down stream, and with the best management it was nearly always necessary for the men to jump ashore when the bank was reached, either in coming over or going back, and tow the boat back up stream to the landing.

At last we were over. "Gwine to the Ioway settlement?" we would be asked. "Yes; whar mought the trail be?" in response. "Leadin' out 'twixt them big bluffs, thar," pointing the way a mile from the river. The Iowa "settlement" was then but a small part of our present State, and still a part of Wisconsin Territory.

As the boat came to the shore on its different trips, men and boys would be busy reloading the wagons. Axle-trees were tarred, linchpins carefully adjusted; feather beds, blankets, pots and skillets, the axes and rifles loaded in. These were indispensable, and there were few other things so considered, and really few other things to care for. "Dick" and "Buck," the patient, faithful oxen, were yoked and hitched to the four-wheeled wagon, and "Jule," an old blind mare, was hitched to the "pint" of the tongue. This wagon had a bed with "over-jets" above the wheels, and hand-shaved bows, with cover, making a roomy and comfortable conveyance. The women were in supreme possession of this wagon, with a man or boy to drive. "Bright" and "Berry," the second yoke, drew the two-wheeled cart, and in it were the few rude farming tools, and what riding was done by any boy large enough to keep pace afoot with an ox, was on this cart. None of the time were all riding, and some of the time all walked.

After reaching the hills or bluffs, we were amazed at their steepness and size. The trail led in and out to the head of

a ravine that ran in from the prairie. It was a hard climb. Yet when we reached the more level ground we found a mere trail. Every foot of the way was on wild prairie sod which was hardly killed even where the hoofs of the oxen and wheels of the wagons trampled it, and between the tracks was a row of tall dead grass never broken, and as high as that on either side of the trail. One might think that this would make a good road. So it might at almost any other season. But most roads are poor in March of any year. These roads in March, 1837—when nearly every day was rainy, were soon cut up, and the soft, rich soil let the hoofs and wheels down to the stalling point—were the very worst. How many times did every one of the party have to get out, and nearly every article be unloaded! At such a time it was lucky there were large families. It took father and eldest sons to goad the oxen and encourage “Jule;” mother and each of the younger ones to carry a load apiece of the things taken from the wagon, and if father or larger sons could be spared from their tasks, it was to pry and push over or through quagmire after quagmire, until night overtook the tired company, sometimes not more than a mile from the place of their early morning start. It might be thought that the trail could be left and new ways taken. But when this was tried it was found that it took not more than one wagon to ruin the track, and not a rod of the way over which we came had not thus been cut up by others in our situation.

In those days I think every traveler coming west from Fort Madison toward West Point stopped at Pittman’s. We had worried, and worked, and tugged, until man and beast were tired out. Patience and strength were well nigh exhausted, and in the rain our party drew up at Pittman’s door at dark. Mother and Mrs. Swearingen were crying out of discouragement, and what mother did was none too bad for every child she had to do, and hardly so for father. Lewis Pittman had settled on the trail before there was any travel west. In 1837 he had a very well improved farm. He had

a good double cabin, log stable and some other outbuildings. He had a good sized family, and yet Swearingen's nine and ours of ten were taken in that night. And when our bedraggled troop marched into the large room where the big fire-place blazed, it was with the feeling that it was housed in the palace of a lord. A meal was prepared before the fire-place, and without other lights than the flaring chunks, though candles were used in the other room. We were fed as became a generous host and hungry guests. And when the table was cleared away, and the party gathered around the fire to exchange the experiences and reminiscences common to their lives, it was a scene that I shall not forget. Swearingens and Pittmans and Duffields; three couples with their broods; no more than six chairs in the whole house; the little ones at their mothers' feet, scorching their faces and nodding their tired heads; the larger ones at play in the shadows at the rear, and the girls and boys in their teens, shy and bashful, sat apart from the group, yet not near each other, neither interested in the talk of their elders nor offering to visit among themselves. Then came the retiring time. If that household required no more than six chairs in its waking hours, where had it room for twenty-five or thirty persons to sleep?

I have detailed life at the Pittman home up to retiring time exactly as I experienced it. It was but one of the early homes, and just the same as "Jimmie" Duffield's became in the summer and fall of 1837, and continued the entire year of 1838.

We staid at the Pittmans' several days resting and waiting for better weather. West Point, four miles beyond, was reached in a day. There was a stop, after leaving West Point, at Mr. Long's. His was the only family between West Point and Utica, where William Goodall lived. Now we began to think we were nearing our journey's end. Utica prairie was known far and wide. Here the trail leading on up the divide was left by those going in other directions, and all trails became faint. We took a southwesterly course,

passed one or two cabins and came to the edge of civilization which was bounded on the west by the Des Moines river.

Father had visited this section in 1836, and had selected a claim west of the river some two miles, at the time beyond any land yet surveyed, and entirely out of the usual path of claim hunters. It was on the left bank of a creek which the Indians called Chequest, that empties into the Des Moines river some four miles below the sharp turn southward on the first curve of the great bend or "Ox bow." Our camp was made on the left bank of the river and exactly opposite the mouth of Chequest creek.\* On the right bank and above the creek's mouth was the only cabin within the present limits of the State of Iowa west of the Des Moines river. It was built by Samuel Clayton in 1836; beyond it there was not one single human habitation, except those of the Indians. On that side of the river, above and below Chequest creek, and in the valley of the creek back from the river for miles was the Indian camp of Keokuk, numbering, I should think, seven hundred. Here, it is my distinct recollection, they were making sugar from the hard maples that thickly covered the banks of creek and river, though it hardly seems that the sap would have been running so late in the year. At least, it would not seem that they could have peeled the elm as early as the sap would run, though they must have done so for their sugar making was a thing I cannot be mistaken about. For years afterward we could see the marks they made on the trees. They had no augers nor "spiles" such as the settlers used, so they would take their tomahawks, cut the bark from the tree in the shape of the letter "V," the point being perhaps a foot below the upper parts which reached two-thirds of the way around the tree. A flat peg or chip was driven into the tree below the point of the "V," the flat side up and the outer end lower than that next the tree. The sap would come out from the

---

\*Chequest creek rises in Davis county, runs southeastward into Van Buren county, and empties into the Des Moines river about three miles W. N. W. of Keosauqua.

bark, follow around to the chip, run out to its point and drop into the troughs. These troughs were ingeniously made. For years after the Indians had left, we would find elm poles from which they had been formed. They would cut a pole six or eight inches in diameter and about every two or three feet they would cut the bark in a zigzag way around the pole, so that when it was unrolled from the pole it would be a solid seamless strip say two feet long, with long, slender, pointed projections at the ends. These projections would be about a foot long, and about two inches wide at the body of the trough. These ends were drawn together by tough bark as tightly as possible, and this would curl up the bark to the size of the pole before it was stripped off, and would hold sometimes a couple of gallons of water. Of course the ends of the trough where they were puckered up, and occasionally a crack or hole through the body, would leak. To mend this, the Indians would take the inner bark of the slippery elm, beat it into a pulpy mass, and daub it into the cracks and openings, and this would make the whole thing water tight. They would gather the sap into storage troughs made, as their canoes were made, from the largest walnut trees. These they would make by cutting down the trees, taking off the bark and chipping off the upper side until it was flat and the size they wished the upper part of their trough to be. Then they would take coals and brands from their fires, lay them along the flat surface, burn the log a little then knock off the fire, put it out and with their tomahawks cut out the charred part. This they repeated until they would work out as fine a trough as could be made with the most improved modern tools. Their canoes were often made in fantastic shape, with walls so thin that they were as light as if made from bark. From 1836 to '40 there were many sugar troughs and hundreds of canoes in the woods and along the streams. I wonder that none of them were preserved.

It would interest the curious to see our party crossing the

Des Moines river on the 4th of April, 1836. No flatboats had been made, nor were there any other arrangements provided for crossing with anything more bulky or heavy than a man. Our camp on the left bank had attracted a large party of Indians, and their canoes were drawn up along the bank by dozens. I do not suppose they had ever seen a wagon, certainly never two at once, while the cover, the yoking of the cattle and the hitching of old "Jule" were all interesting to them. The river was too high and swift to ford; it would even have been dangerous to try to swim the cattle and "Jule" over. Father hit upon the plan of hiring a couple of the largest of the canoes, placing them side by side and lashing them together with puncheons placed crosswise over them; then taking everything out of the wagons and taking them apart the pieces were loaded on this craft and with the help of the Indians it was poled and paddled across. The last trip would have made a good picture. Indians and settlers; men, women and children; household goods, dogs, and finally "Jule," towed along, swimming in the water behind. But all were finally and safely landed.

The families were quartered in the Clayton cabin. The Claytons had seven in their family; our party nineteen; twenty-six souls were housed in great comfort in the one-roomed cabin.

During this week the men erected a cabin on our claim. Then for the last time that ox team was hitched to our moving wagon. It was a happy procession, and one I shall always remember. Every moment of that trip is a vivid recollection. Drawing up and away from the river on the gentle slope of the ridge formed by the breaks of Chequest creek and the Des Moines river, then along its crest where a path was traced by the hoof of deer and buffalo and the moccasin of Indian brave. No shod hoof, much less a wagon-tire had ever marked this road. How "Dick" and "Buck" crowded and hooked to get the advantage of the trail, while "Jule" switched along its easy, crooked line with a swing



and a stride that showed that she knew its meaning. For a few short miles, then off down to the left, through the sloping open woods, then out into an opening to a fresh, new, one-roomed cabin—HOME!

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NEWSPAPER CHANGES.—In recent years there has been a marked tendency on the editorial pages of American newspapers to print more fun than was the custom in earlier times of grave and solemn treatment of weighty themes. A study of the daily journals of the country shows that the old traditions of exhortation and argument have been largely abandoned. Long dissertations have been almost entirely cast away. The epigram, the quip, the skit, the work of the pen that points lightly and never drags—these seem to be catching the fancy of the public and to be in favor in newspaper offices, while the ponderous essays are thrust into the waste paper basket or consigned to monthly or quarterly publications or to pamphlets prepared for a select constituency. It is not now meant to consider whether this radical change in general newspaper aims is in every way the wisest that could be conceived; but that it suits many present day readers and has swept over the country cannot be disputed. It is an interesting sign of the times. But it does not mean the necessary decline of the editorial page. On the contrary, journals which really stand for something, and know how to advocate it persuasively, candidly and with the simple directness the age demands, are still sought for—all the more, perhaps, because so many papers have been led away by the notion that even the intelligent public wants nothing but frivolity—and fustian.—*N. Y. Daily Tribune*, Nov. 2, 1902.

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THE Secretary of the Treasury recommends that the relative value of gold and silver be so changed as to make silver of more value proportionately than it is at present.—*Bellevue (Iowa) Democrat*, Jan. 28, 1852.

## AN IOWA FUGITIVE SLAVE CASE—1850.

REPORTED BY GEORGE FRAZEE.

(*A member of the bar*).

### DISTRICT COURT OF THE UNITED STATES.

\*Southern Division of Iowa. Burlington, Iowa, June Term, 1850. Hon. J. J. DYER,\* presiding.

RUEL DAGGS, plaintiff, vs. ELIHU FRAZIER, et als, defendants. Trespass on the Case.

D. RORER, Esq., Counsel for plaintiff. J. C. HALL and J. T. MORTON, Esqs., for defendants.

This was an action of trespass on the case, instituted in September, 1848, by Ruel Daggs, of Clark county, Missouri, plaintiff, against Elihu Frazier, Tho. Clarkson Frazier, John Comer, Paul Way, John Pickering, William Johnson and others of Henry county, Iowa, defendants, for the purpose of recovering compensation for the services of nine slaves who escaped into Iowa from Missouri, and were afterwards assisted to elude the control and custody of plaintiff's agents, by the defendants or some of them.

The declaration contained six counts. The first two allege that the slaves were rescued from the plaintiff, or his agents. The third and fourth, that they were harbored and concealed, so that they afterwards escaped from and were entirely lost to the plaintiff; and the fifth and sixth, that the plaintiff was hindered and prevented from recovering his slaves by the acts of defendants; and the amount of damages claimed was \$10,000. Plea, NOT GUILTY.

The suit had been continued from term to term, for cause shown, and at this term, after a motion by defendant's counsel to exclude all the plaintiff's depositions for irregularity, had been sustained by the Court, plaintiff filed his affidavit, and moved the Court for a continuance. The motion was opposed by Mr. Hall, and after argument, was overruled.

Plaintiff then entered a *nolle prosequi* as to several of the defendants and immediately subpoenaed them as witnesses to supply as far as it was possible the want of evidence occasioned by the exclusion of his depositions.

A jury was then impanelled, and sworn, the declaration read, and the witnesses for plaintiff introduced. The following is the substance and very nearly the language of

### THE EVIDENCE.

GEORGE DAGGS sworn. *Direct examination by Mr. Rorer.*—Is the son of the plaintiff, Ruel Daggs, who has resided in Clark county, Missouri, for the last twelve or fourteen years, and was and still is, the owner of slaves. About the 2nd of June, 1848, nine of them made their escape. Sam, a black man, aged 40 or 45 years; Walker, 22 or 23, a yellow man; Dorcas, Sam's wife; Mary, Walker's wife; Julia,

\*John James Dyer was born in Franklin, Pendleton county, Va. (now West Va.), July 26, 1809, of English ancestry. His mother, Rebecca, was the daughter of Maj. Wagner of the Revolutionary army. He was a graduate of the University of Virginia and became a law student in the law school of Judge Brisco G. Baldwin, with whom he completed his legal studies, and was admitted to the bar at Staunton, Va. He practiced for some time in Pendleton and the adjoining counties. He came to

18 years old; Martha, under 10; William, a small boy; and two younger children, names not remembered. The men worth \$900 to \$1000 each; the three women, \$600 or \$700 each; Martha from \$250 to \$300; William about \$200. Unable to say what was the value of the two children. The services of the men valued at about \$100 per year; of the women, \$45 or \$50; Martha's, her victuals and clothes. Dorcas, Julia, and the two children were returned shortly afterwards, but were absent more than a week. Exact time of their absence not remembered. Saw no money paid for recapturing them, and has no personal knowledge of money being paid for that purpose. Was at home in adjoining county at the time of the escape.

Judge Dyer here observed in reply to the inquiry of counsel, that the court would take judicial notice of the Constitution of Missouri, and the existence of Slavery in that State.

*Cross examination by Mr. Hall.* Was sent for by plaintiff in the early part of June, 1848, and told that the negroes had run away. They were all absent when I arrived, and I immediately went in search of them. Live some fifteen miles distant, and had not visited them for about a month previous. Did not see the negroes escape, and was not there at the time. Is the owner of slaves. Slaves are sometimes sold at the south as well as at home. Were worth the sums mentioned, at home, at private sale.

*Direct, resumed.* It is thinly settled in the neighborhood of the plaintiff's residence.

Question. (Objected to by Hall.) What was the common report in the neighborhood with regard to the slaves?

---

Iowa about the year 1835, settling first in Jackson county. He was appointed Judge of the U. S. District Court for the District of Iowa March 3, 1847. He did not, however, take the oath of office until the 22d of November of that year. He remained on the bench until the summer of 1855, when he went back to his old home, presumably on a visit, where he was taken sick and died September 14. He was buried at Woodstock, W. Va., beside his first wife. He was succeeded on the Federal bench by Hon. James M. Love. *The Iowa Historical Record* of January, 1897, contains an appreciative sketch of the life and public services of Judge Dyer, from the pen of Hon. T. S. Parvin, clerk of his court.

*Per Curiam.* Mere rumor cannot be given in evidence as to the escape.

Rorer, for plaintiff, gave notice that he should contend that the possession in Missouri and finding in Iowa was evidence of an escape.

*Examination resumed.* Was not at the plaintiff's when the women and children were returned.

ALBERT BUTTON sworn. In June, 1848, resided in Salem, Henry county, Iowa. In the early part of that month saw a negro man and boy there. There was a crowd at the stone house which afterwards went to the Friends' Meeting house. The negroes went along—went there myself. Did not see Elihu Frazier or John Pickering there. Saw Mr. McClure there. Had heard before, that some one from Missouri was there in search of slaves. Was not in the crowd as it went to the meeting house. Don't know its intention in going, except from what I was told by some persons present. Some were talking, and some were praying, the latter mostly by the women for the benefit of the negroes. There seemed to be no dispute as to going to the meeting house. Went up with Mr. Street. Justice Gibbs was there. The claimants were required to prove the existence of Slavery in Missouri, and that the negroes were slaves, by the justice and myself. Said they had no evidence there—were told they might have time to procure it. They were questioned as to their agency, and replied they were not *legally* agents. There was something said to the effect that they were in a bad scrape and would back out. A man named Brown was one of the claimants. Crowd did not say the negroes should be retained *in any event*. The negro left the house and I did not see him afterwards. Threats were made to arrest Brown after he had presented a pistol. Have conversed with Street since that time upon the matter. Have heard how the negroes got away from Salem. Don't know who brought them to Salem, whose horse they rode, or whose wagon they came in. Can't say whether the object of the crowd was to

prevent the taking of the negroes or to assist it. I should call the man black. He was pretty large.

*Cross examination.* Went to the house as attorney. Nelson Gibbs was the Justice. Claimants said they had no legal authority to act—were in a bad scrape and would back out. Street acted as counsel for the negroes. Was there about thirty minutes. Do not know if they were to take a warrant or not to retain the negroes.

*Direct, resumed.* Salem is in Henry county.

JONATHAN PICKERING sworn. Reside about one and a half miles from Salem. Has never seen the blacks. Has heard whose wagon went to the Des Moines river after the negroes. Don't know how the negroes got to Salem, or where they staid, the night before. It was Monday. Heard the rumor on that day. Heard John Pickering say there were men from Missouri in the vicinity looking for negroes, and that his horses had been hired by Eli Jessup to go to the Des Moines to take a Methodist minister to an appointment. They went down before a carriage and came back with a wagon. They were returned on Sunday morning. Didn't hear John Pickering say the negroes came in the wagon, nor whose horse was ridden from Salem. Has heard Frazier say nothing about the matter. John Comer said they did not come in the wagon. He spoke of runaways from Missouri. Said they were not in the county, and that he did not assist in their escape. Jesse Cook denied having anything to do with the matter. John Pickering spoke of the hire as an independent fact. I accused him of having something to do with the negroes, but he denied it.

SAMUEL SLAUGHTER sworn. Saw Wm. Daggs, the son of Ruel Daggs, on Saturday, and was requested to assist him and McClure in finding some slaves he was looking for. He said they had been traced to the Des Moines, near Farmington. Stopped with McClure all night at Mr. Way's. Started towards Salem next morning. Soon noticed a fresh wagon track, and followed it for several miles when I came in sight of

it. Rode on after it three or four miles. It was driven very fast. Had a top on it. It stopped in the bushes about half a mile from Salem. I rode up and found three young men in it—rode into Salem with them. The driver was called Anderson or Andrews. About an hour afterwards McClure came up. Next morning we rode round the bushes a little, and finally went to the place where I overtook the wagon. Within a short distance we found a black man, a yellow man, three women and four children. We took possession of them. Yellow man refused to go with us at first. At last got him on the horse. Concluded to go back to Salem for Mr. Brown and Mr. Cook. Left McClure with the negroes. When I got back from Salem, found a number of other men there. Elihu Frazier, Clarkson Frazier, a man whose name I was told was Wm. Johnson, and others. They objected to taking the negroes. Other persons were running down. One of the Fraziers said we must prove they were slaves. Considered their appearance hostile. One of them pulled the negro away from me. Some one of them said he would wade in Missouri blood before the negroes should be taken. Went into the town. Stopped at the stone house and the negro sat down. An old lady came out and prayed for the negro and myself. Clarkson Frazier said he would not allow me to take the negroes. Nothing said then about agency. Got description of the negroes from Daggs and McClure. The crowd seemed to act unitedly, and understood I could not take the negroes unless I went before the magistrate. One of the Fraziers walked with me to the meeting house. The crowd went there and the negro. Required a certificate from the clerk of the court in Missouri with his seal to prove the property. The justice refused to take cognizance of the case. Said the negroes were not properly before him. Saw the wagon before a brick house. Consented to go to town because we were not strong enough to take the negroes.

*Cross examined.* Reside two and a half miles from Farmington and was going to Charleston when I met Daggs.

Found the negroes half a mile south of Salem, about 200 yards to the right of the road. There were two men, three women and four children. Were in the road when I got back from Salem with Brown and Cook. Had not moved exactly towards Salem. Was detained in the road 15 or 20 minutes. Clarkson and Elihu Frazier were there with others and would not permit me to take the negroes towards Missouri. A man in the crowd told the mulatto to knock me down if I touched him again. Did not take the women and children all the way to the house. One of the negroes assured me that if *he* went back they would. At the stone house a woman brought out something for them to eat. Did not hear McClure refuse to permit them to eat. Did not touch him after he was told to knock me down,—heard the man was named Johnson who told him to do so. The crowd seemed to be unanimous. Offered to prove by McClure that Daggs owned the negroes. When in the house Button asked that the negroes should be discharged. They were taken out. Told Button I would go home. Did not say I had no authority. Never saw the negroes at Daggs'. Heard McClure was run out of town—did not see it. Clarkson Frazier advised me to leave. Thought I could get them if I consented to a trial. Fraziers said *they* would not injure me, but that I could not have the slaves. Did not hear all that was said to McClure. The company was scattered as we went into town. The street was full when I heard the man say he would wade in Missouri blood. I may have told some one that I was beaten and would go home—not *honorably* beaten. May have said I thought a majority of the citizens would sustain me. Could not have said I was honorably beaten—thought I was badly treated. Met a man about  $\frac{3}{4}$  of a mile, on the road to Farmington as I left Salem. Did not tell him so. Saw several men in the woods apparently looking for something. Did not follow the negro when he left the house.

*Direct resumed.* Gave up the matter because I did not wish to embroil myself and was tired of the business.

ALBERT BUTTON recalled by Rorer. Knows Clarkson Frazier. Thinks his name is Thomas C. Frazier. Never saw him write it.

JONATHAN PICKERING recalled. Knows but one Clarkson Frazier. Writes his name Thomas Clarkson Frazier and is one of defendants.

HORACE B. HUNTING sworn. Was in Salem on a Monday in June, 1848. Saw a black man and child there near the stone house. There was a crowd present and understood the negroes were to be tried before a justice. Saw Elihu Frazier there. Saw him assist neither party. Saw John Pickering there at the west end of the meeting house after the trial talking to the negro. Don't know what was said. Saw the negro walk a short distance and mount a horse. Gilcherson handed him the child, and the negro started off with him alone. Took no notice of Pickering at the time. Heard the negro say nothing. Immediately after, saw Paul Way riding in advance of the negro. Can't say Way was guiding him, and don't know where they went. Never heard the defendants say where they went, nor whose team brought them from the Des Moines. Know nothing of the wagon while in Salem. There was a good deal of talking in the house. Don't know whether justice took charge of the case. Elihu and Clarkson Frazier were there, talking with the company. There were two parties there, one wanted to take the negroes—the others talked of having a trial. Supposed the latter made up the crowd. Heard that a trial had been agreed upon before the crowd went to the house. Understood there was opposition to taking the negroes without a trial. Didn't see them leave the house. Don't know why McClure left town. Saw Pickering at the end of the house with the negro. Some of the crowd were in the house, some out. Didn't notice the Fraziers in the house. Way was on his horse when I first saw him, came from the other side of the house, and had started. Negro's horse was southwest of the meeting house. Way's at the north. Way was ahead,



and the negro followed at a short distance. Were on a canter and went towards the north. Hadn't noticed Way before that day. Didn't see him until after the negro had mounted. Can't say that the negro was ordered to leave the meeting house by any of the crowd. Didn't see the yellow man. Resided in the neighborhood seven years, at that time two miles from Salem. Don't know of any Society to seduce negroes from Missouri, or of any meeting to make arrangements for that purpose. Have heard there was. The meeting house is called the Abolition or Anti-Slavery meeting house. It is used for public worship. Have seen some of defendants there. Was in the meeting house part of the time, don't know that I have heard the defendants talk about the affair in Salem.

*Cross examined.* Understood there were slaves about that some one wanted to take to Missouri, which the citizens were opposing. Went down out of curiosity. The black man and child were eating a piece of bread. Can't name any person that spoke to them there. Heard no opposition to going to trial. Heard no one wish to take them off without trial. The Missourians were required to prove property as I was informed. It was the first information I had. Saw John Pickering at the meeting house with the negro—didn't watch him. Several persons spoke to the negro. Suppose it was twenty-five yards from the crowd to Paul Way. He lived northeast of Salem, the road he took was the usual direction to his house. The negro was close to him—when I last noticed them but two or three steps between them. Don't know where they went, and have heard none of the defendants say. Heard no threats made, understood threats were made by some of defendants. Saw no violence, no pistols drawn. Saw the handle of a pistol in Brown's pocket.

Plaintiff's counsel here asked time of the Court to procure another witness. Defendants' counsel objected, and it was refused, whereupon plaintiff announced that he had no further evidence to offer.

Mr. Hall prayed a nonsuit as to a number of the defendants. Rorer opposed the motion on the ground that the jury alone had a right to decide upon the evidence. It was finally agreed by counsel that if a nonsuit were entered as to any of defendants during the trial, plaintiff might use them as witnesses.

Mr. HENDERSON was then sworn on the part of the defendants, and examined by Mr. Hall. Was present in Salem at the time of the occurrences, and saw a crowd at Gibbs' office. It went up to the meeting house and witness followed. Button was Attorney for negroes. Slaughter said he was agent, and offered to prove that the negroes were slaves by McClure. Gibbs said he had no jurisdiction. The negro went out himself. Saw no violence. Went with Slaughter from the meeting house to his stopping place. He said he believed that if he had commenced properly he would have been sustained by the majority of the law-abiding men in Salem, but he was fairly beat and would go home.

*Cross examined.* I did say there was no opposition.

*Direct resumed.* Slaughter said in the meeting house that he could not show any written authority.

J. B. ROSE sworn. Resides in Salem and was there at the time. Saw a crowd coming from the stone house, as I was going to dinner. Asked what it meant, and was told there was to be a trial about some slaves. Went to Gibbs' office, and afterwards to the meeting house. Saw the negro man and child. Button inquired if any one was the agent of Daggs. There was some talk about the agency. Gibbs was asked to discharge the negroes and declare them free. He said he had no jurisdiction, and they were free as himself, for all he knew. Crowd began to run out. Saw the negro sitting on a bench when I went out. Saw no violence, and heard no threats.

*Cross examined.* Saw the negro go out. Saw him go to the horse. Gilcherson unhitched him, put the reins over his head, and lifted up the child. Was not near enough to hear what was said.

Mr. DORLAND sworn. Was in the meeting house at the time—was at the stone house. The crowd passed my school house and went to the stone house. Were from fifty to one hundred persons there, and a good deal of confusion. A great deal of sympathy expressed, principally by the women present. Got upon a pile of boards, called the attention of the crowd, and proposed that they should go before a Justice, and if the negroes were proved to be slaves their claimants should be permitted to take them. The proposition appeared to be agreed to by all. Went to Gibbs' and thence to the Anti-Slavery meeting house. Button and Street were there. Claimants were required to show their authority. Said they couldn't show any such authority as was demanded. Gibbs said the negroes were free so far as he knew. T. C. Clarkson was there. Heard no objection to trial by the claimant. Should say there were two parties there. Moses Brackett said the negroes should not be taken off without a trial. Saw no violence and heard no threats. Saw neither of the agents afterwards. They at first claimed to be agents. One was asked if he had any written authority from Daggs. No authority was given beyond their assertion.

*Cross examined.* Some authority was required more than their assertion. No one was sworn. They were merely asked to prove their agency. On the condition required, one of them said no one there was agent. Saw negro go out of the house. One of the Fraziers was at the stone house. Saw John Pickering at the meeting house. Have been directed by no one as to what evidence I was to give.

FRANCIS FRAZIER sworn. Lived south of Salem in June, 1848. First saw the negroes at the south-west corner of the grave yard, one-fourth of a mile from Salem, standing in the road. They were there but a few minutes after I got there. Saw no violence. It appeared to be by consent of parties that they went up to the stone house. Stopped because the black man wanted water. Some bread was given him by a woman. The negro sat down and held the child.

Heard Dorland's proposition. No objection was made to it. Was in the meeting house. Some proof of authority was required. Button and Street defended negroes before Gibbs. No proof was given. Button had some book there which looked like a law book. Slaughter said they were not legally authorized agents to take the slaves. Heard McClure say nothing. Negro got up and walked out of the house. Saw him on the horse, about 150 yards off. None but attorneys, justice and agents talked about agency. Supposed they were not agents according to the book. It appeared to me that the negroes were brought before the justice to ascertain whether the claimants had authority to take them. Justice said he had no jurisdiction. No evidence was offered to prove agency. Heard nothing of a warrant. People behaved in an orderly manner. Some of the women talked a good deal.

*Cross examined.* Can't tell what book they had, nor whether a law book or not. Proof was required that claimants were authorized to take the negroes. Heard nothing of any writing. Don't recollect what kind of proof was required. Something was said about the existence of slavery in Missouri. Saw black man and child on the horse riding off. Saw Paul Way going north in same street. He was on a canter; black man behind him. They were out of sight in one or two minutes. Has not been counselled by any one since here.

LEWIS TAYLOR sworn. Was at the trial in the meeting house. First saw the negroes one-fourth mile from Salem. Slaughter, Henry Brown and Henry Johnson were with them. Several others came up. Understood *all* had consented to go to Salem. Saw no violence used. Persuasion was used to induce the negroes to go towards Missouri. Was at the meeting house. Button, Street, Slaughter and the negroes were there. Heard no evidence before the Justice. Didn't see the negroes go out. Heard nothing of a warrant.

*Cross examined.* Several persons were with the blacks when I first saw them, and Johnson was one of them.

F. A. McELROY sworn. Resides in Salem and was there at the trial. Was outside the meeting house and went in upon hearing some one remark that "they could go out." Went in and saw the negro go out. Never spoke to McClure or Slaughter until I saw them here. Heard no threats except from Brown.

*Cross examined.* I told some women to open the way and allow the old gentleman to pass. Females were much excited. Stood out from the crowd when I heard Brown. His exclamation was "I will shoot that d—d son of a b—h." He had a pistol drawn half way out of his pocket.

DORLAND recalled by defendants. The conversation in the meeting house was between Gibbs, Street and Button, and the agents. After calling for the proof and the production of the book, one of the three said the negroes might be detained until evidence was produced. Can't say which one it was.

*Cross examined.* Heard one of them say they had come for a fair trial and they should have it. Slaughter was required to produce other proof than his own assertion. The book looked very much like the Iowa laws. Was bound in leather. Heard it read.

JONATHAN FRAZIER sworn. Was overtaken by Slaughter in the wagon. Two men, Hamilton and —— were with me. No negroes were in the wagon.

*Cross examined.* It was on Sunday morning. No one besides the two men was with me. No negroes had been in the wagon. Was about two miles from Salem. Talked with Slaughter. No negroes were spoken of; he asked after two gray horses. Drove on into Salem. The horses were John Pickering's. Wagon belonged to one of the Fraziers. Had been to Farmington. Drove down with the same men. Don't know where they lived. Can't say what their business was. First saw them when I was about starting for Farmington, in the neighborhood of Salem. Think it was at my house. Don't know what they came there for. Saw them in Salem

after I returned. They were there some days. Saw them in the streets of Salem. Can't tell what day. Don't know where they boarded. It was not at the hotel.

Some discussion here occurred between counsel as to the propriety of the next question asked by Mr. Rorer, at the conclusion of which it was ruled out by the Court, and the defendants stated that they had concluded their evidence.

Mr. Rorer then opened the argument on the part of the plaintiff, and was followed by Mr. Morton for the defendants. Together, they occupied the whole of the afternoon. No notes of these two speeches were taken at the time, and in consequence, no attempt will be made to report them. The concluding argument on the part of the defendants was then made by Mr. Hall, in very nearly the following language:

SPEECH OF MR. HALL.\*

JURORS—This suit and this trial possess an interest which has rarely occurred in the judicial history of our young State. It is truly novel—the first suit of the kind ever brought west of our mighty river.

The Court, too, is novel. It is not a Court that derives its powers from this State, but the United States; and the subject matter sued for—the right demanded by the plaintiff—the wrong complained against the defendants, is based alone upon an act of Congress and the Constitution of the United States.

\*Jonathan C. Hall was born in Batavia, N. Y., Feb. 27, 1808. His early years were spent upon his father's farm, largely in the work of clearing away the heavy forest with which it was originally covered. He was educated in the common schools and at Wyoming (N. Y.) academy. After his school days he joined a surveying party engaged in sectionizing wild lands in Genesee and adjoining counties. He began the study of the law in Albany in 1828, and continued it the following year in Cleveland, O. In 1831 he commenced the practice of his profession in Mt. Vernon, O. In 1840 he removed to Mt. Pleasant, Iowa, where he acquired a large law practice. In 1844 he removed to Burlington which became his permanent home. Upon the resignation of Judge J. F. Kinney he was appointed Associate Justice of the Supreme Court of the State, holding the place one year, when he was succeeded by Norman W. Isbell, who was elected by the General Assembly. Judge Hall's opinions appear in Greene's Reports, Vol. IV. He was for a time president of the Burlington & Missouri R. R., and was instrumental in securing its early construction. He was chosen to the Constitutional Convention of 1837, of which he was one of the most useful and influential members. He was the author of the school system authorized by that instrument. Elected to the House of Representatives of the 8th General Assembly, he was instrumental in securing the passage of many good laws, among them that providing for the publication of the Revision of 1860. "Judge Hall was a man of very commanding presence, courteous and kindly in his intercourse with others, a profound lawyer, a just and able judge, and a man whom Iowa will always be proud to remember among her most eminent citizens." He died at Burlington, Iowa, June 11, 1874.

The Federal Constitution has recognized the institution of Slavery, and provided for the return of persons held to labor when they shall escape from the State where they are so held, to another State. The Act of Congress has made it penal in any person to hinder or prevent the owner, his agent or attorney, in arresting such fugitives, or to rescue them from the owner, his agent or attorney, or to conceal and harbor such fugitives.

This act of congress almost assumes the character of an international law. It is a rule of action between two States. Although the State of Missouri does not seek this remedy from the State of Iowa, the form of the remedy makes the *citizens* parties, yet the institutions of both States are involved in the issue. Slaves are property in the State of Missouri. The presumption in that State is that every black man is a slave. In Iowa, we recognize no person as a slave. The presumption of freedom is universal. Negroes are property and slaves in Missouri because the laws of that State positively declare and recognize them as such. In Iowa slavery is prohibited by the Constitution. What Missouri makes property by municipal law, Iowa forbids to be property within her jurisdiction.

This being the case, Missouri, as a State, feels an interest, a deep and abiding interest, to have this species of property protected, and the right to the recapture and return of their slaves when they escape to another State, without interruption or hindrance.

Iowa is bound to be neutral. The citizens of our State may leave the pursuit of the master, the race between the master and the slave, to be decided by themselves. They must not hinder or delay the master in his pursuit. They must not harbor or conceal the slave from the search of the master. They must not rescue the slave from the master.

In deciding this question you should be careful to let no prejudice induce you to step aside from the ordinary rules of evidence. It is one of the requirements of law, that every material fact upon which a plaintiff bases his right, shall be proved before that right is established.

In this case the plaintiff must establish by evidence, and you, Jurors, must find,

1st. That the plaintiff resided in the State of Missouri and owned the negroes described in his declaration.

2nd. That those negroes, being his slaves, escaped, and, without his consent, came to the State of Iowa, and into Henry county.

3rd. That the plaintiff, by himself, his agents or attorneys, pursued said slaves into the State of Iowa.

4th. That the defendants, having notice that said negroes were slaves and fugitives from labor, hindered and prevented the plaintiff, his agents or attorneys, from arresting said slaves; or that they harbored and concealed said slaves from said plaintiff, his agents or attorneys; or that they rescued said slaves from said plaintiff, his agents or attorneys, after they had captured them.

A review of the evidence given in this case, will, I think, satisfy you that these facts have not been proved. Indeed, it has rarely been my for-

tune to argue a case where there was such a barrenness of evidence, and where a verdict was claimed based so much upon prejudice—where every rule of evidence is subverted, and every law of presumption prostrated. You, gentlemen, are called upon to sacrifice the defendants to the excitement of the day—to the feelings of the public—to the Moloch of Faction. It is enough that the defendants are accused. This Temple of Justice has no barrier to the demand of the plaintiff upon your credulity or his reliance upon your prejudice.

Let us examine the questions which the law requires the plaintiff to prove, and the evidence by which he claims he has made that proof.

1st. That the plaintiff must reside in Missouri and be the owner of slaves. This we admit is established.

2nd. That these slaves escaped from his custody, without his consent, and came to Iowa.

This, I say, is not proved. The *only* witness to this point is the plaintiff's son. He swears that he resides in Missouri, about fifteen miles from his father, the plaintiff. That he was at his father's about the 1st of May, 1848, and saw these slaves, as usual, in his father's possession on his farm. That about the third or fourth of June following, he was at his father's again and that these slaves were *not* there—they were missing. That he has no *personal* knowledge of where they were; when they left, or how they came to be absent. That a few days afterwards several of them were returned, but how or in what manner he does not know. Some of them he has never seen since. That his father, the plaintiff, kept a number of slaves, and that they were well treated. This is every syllable of evidence produced to prove that plaintiff's slaves left him without his consent. On the first of May they were at his house; on the first of June they were not at home; and the conclusion claimed from this evidence is, that they had escaped without the consent of the owner! Here Mr. Hall went into several illustrations to show that the premises did not justify the conclusion—that the mere absence of a slave from the plantation was no more evidence of an escape than the absence of a horse or any other species of property. He also read from several works on the law of evidence, to show the nature and character of presumptive evidence. That the fact proved and the fact presumed should most usually accompany each other; it was not sufficient that they were *sometimes* proved to accompany each other, but it must *rarely* be otherwise. If it was most usual in Missouri, when slaves were absent from their master's farm, that they have escaped from his service without his consent, then the plaintiff might claim the benefit of such presumption; but that connection must be shown. It certainly is not one of those natural relations which is so universally known and admitted that it is conceded without evidence. As in case of a horse. You visit a farmer in Iowa and you find him in possession of several horses. A month afterwards you visit him again. You do not see the horses. Does it follow that those horses have strayed or been stolen? Would you at once calculate that those horses were improperly or wrongfully out of the possession of your neighbor, and hazard your reputation for sagacity and truth by



asserting that the mere absence of these horses proved that they were strayed or stolen? Surely not. The man who would do it would be looked upon as a fool or as destitute of reason. And the same rule would apply in Missouri in regard to negroes. Their mere absence from home or their owner's farm, is not a fair presumption, nor any presumption that they have escaped.

But did the plaintiff own these slaves, and did they escape clandestinely and without his consent, and can he bring no other witness who could establish the fact? Is this his best evidence? Was there no other person who had seen them after the first of May? This cannot be. If the plaintiff really lost his slaves, some one knows more than this witness. Why is he withheld? Let the rule that the plaintiff has urged against the defendants apply to himself. He has not produced the best evidence. He has produced almost none at all. They were there—they were not there—*guess* where they are and how they came to go. Credulity must have strong pinions to bear up such an atmosphere. The rules of evidence, the rules of law, are trampled upon—on the ordinary grounds of *street veracity*, no one ever yet descended so low as to hazard his reputation for truth upon facts thus supported. In the ordinary transactions of every-day life, no one would act upon such a tale. You must have something more.

Then the first main fact is not proved. Daggs, the plaintiff, lost no slaves. If they were absent, the presumption is, like that of a horse, that the owner consented to their absence.

I now come to the third question. Did the plaintiff by himself, his agent or attorney, pursue said slaves into the State of Iowa? It is not pretended that the plaintiff, *personally*, ever followed them, and there is not a word of evidence that he ever had an agent or attorney, in relation to these slaves. No man has ever been spoken to by him. No man has ever been written to by him. So far as the evidence shows, the plaintiff remained at home attending to his usual business. He authorized no agent. He constituted no attorney.

Mr. Slaughter acted at the instance of William Daggs. The court ruled from your consideration every word, act, and motion of William Daggs. Your ears are shut as to him. He has not been produced as a witness. His conversation cannot be received and has not been admitted. Then there is no agency; nothing proved—not a syllable, a sign, or a motion, upon which a power can be inferred authorizing any one to pursue the slaves.

Now, if these slaves were not pursued by the plaintiff, his agents or attorneys, there could be no rescue—there could be no hindering and preventing the plaintiff in recapturing them—there could be no harboring and concealing, unless the plaintiff was inquiring, seeking, or desiring their return. To conceal—to harbor! The Act of Congress contemplates that the act done shall produce some effect upon the acts of the party losing the slaves, which may delay, hinder, or prevent his recovering them; but if he does not *seek* them, if he does not inquire, if he does not follow, how can he be hindered in that which he does not attempt? How can he

be delayed in that which he never begun? How can an act prejudice him, when he has never exerted that action which alone could receive the prejudice?

The first act that Daggs ever did was to bring this suit, and he has scarcely followed this up with a scintilla of evidence. He seeks in the signs of the times—in the darkened political atmosphere—in a deep feeling of excitement, at this moment lashed into boisterous commotion, to recover from the defendants for the loss of slaves which he never spent a passing inquiry about when they had gone, if, indeed, he ever lost any.

The fourth question is, Did the defendants, after having notice that said negroes were slaves, do any of the acts forbidden to be done by the Act of Congress? It is true that about the 5th of June, 1848, several negroes were found near Salem in Henry county. They were by themselves in the woods, a mile or more from Salem. No white person was with them. Mr. Slaughter and Mr. McClure found them. But were they the plaintiff's slaves? They were men, women and children. Daggs lost men, women and children. Does it follow that these were his property? No person knew them—no person identifies them—no person had ever seen them in the State of Missouri, either before that time or since. McClure is not a witness. Slaughter had no knowledge or information touching their identity or ownership. Without this identity or knowledge, they must be presumed to be free. In the name of truth—in the name of common sense, how can the defendants be charged with notice of these persons being slaves—fugitives from labor, when even now, after years of preparation, the plaintiff has totally failed to prove that the negroes found were his, were ever in Missouri, that Daggs ever saw them, or they him? But it is said that Daggs lost men, women and children; at least he had owned such, and they were about that time absent from his farm! These were men, women and children, and the presumption is that they were Daggs' absent slaves! If this rule is correct; if this presumption is legitimate, it would apply to every black in Iowa. The whole race of blacks and whites are made up of men, women and children. It is a description that is universal—describes all. Daggs could only lose such, and let him find whom he would, they would come under these descriptions. The defendants, if they saw a black person, were sure to see a man, woman or child, and it certainly is a stretch of argument and a tension of reasoning unheard of, to infer from these facts that these black people were slaves; that they had escaped from Missouri, from the plaintiff, and that the defendants are notified of that fact, *because* negro men, women and children, happen to have been found in their neighborhood! But it is said that Slaughter and McClure were there pursuing them. That they arrested them to return them to Missouri; that they claimed them as the plaintiff's property! But did they *know* they were the plaintiff's slaves? Had Slaughter or McClure any knowledge? Surely none has been proved. Slaughter and McClure were acting without authority and without knowledge. They *suspected*, but did not *know*, or *pretend* to know. To claim from these facts, that the defendants had notice, is a libel upon the use of words, a prostitution of the received and ordinary use

of language. If they had notice, how did they obtain it? Not from the negroes, for they did not admit the fact. Not from Slaughter, for he did not know it. Not from McClure, for he is not here to testify, and he gave no notice; he acted without authority, and if he asserted it, it was without knowledge. This evidence would apply to every case that might arise. Let some other person bring a suit, prove that he resided in Missouri; that he owned slaves. He, too, can find some person who lives fifteen miles distant, who saw them a month before, and who did not see them at this particular time. It will all be true. The slaves will be "men, women and children," some, or all, of them. His case is as strong as the plaintiff's—his identity is complete—he should have his judgment. The mockery of such a demand, if it were made for any other species of property, would be past endurance. No mind could endure it—no court could sanction it.

What did the defendants do that hindered or prevented the arrest of these supposed fugitives from labor? There is not a syllable of evidence to show that any one of these defendants ever moved a finger, said a word, or, in the remotest manner, interfered, up to the time the arrest was made. That these acts must precede the arrest, I think, cannot be doubted. If the defendants interposed no obstacle to the search and capture, it can hardly be asserted that they hindered or prevented a capture.

Did the defendants *rescue* the fugitives *after* they were captured? The evidence shows that they were seized about half a mile from the road. When they were brought to the road, the defendants, Thomas and Elihu Frazier, came up to where they were. Both of them insisted that they should be taken before a Justice of the Peace, and identified, and the power of McClure and Slaughtershown. One of the Fraziers said that he was willing that they should take them if they made the proof; the other said they should not take them even if they did make the requisite proof.

This conversation induced Slaughter and McClure to take the negroes before a Justice of the Peace, and they proceed to Salem. On the road a considerable crowd had collected. No violence was used or threatened, only on one occasion. When Slaughter had hold of the yellow man's arm, a man called Johnson pulled him away, and told him to knock down Slaughter if he took hold of him again, and he should be protected. Before they got to Salem, one old woman and child became tired and were left. This Slaughter consented to, the black man pledging himself that if *he* went back, *she* should go also. No person in the crowd interfered in this matter. Before they got to the town the yellow fellow left them. They took no steps to retain him—made no efforts to prevent his leaving; no person advised him to go, or aided him in going, or interposed to prevent his being retained. Thus they proceeded with the old black man and child, till they came to the town, at the stone house. Here there was a temporary stop. Much confusion and excitement prevailed. The old black fellow and child sat down in the road and eat some bread and drank some water. In a short time it was proposed that they proceed to the Justice's office, and if they proved the blacks to be slaves, and established their au-

thority, they should be permitted to take them. This was assented to, and the negroes and crowd moved towards the Justice's office. When they arrived at the office it was too small, and, by general consent, it was agreed to go to the Abolition Meeting House. Hither accordingly they proceeded. By this time a crowd of one or two hundred people, men, women and children, had collected. Some strong expressions were made by persons in the crowd, but none, I believe, are traced to the defendants. When they arrived, the persons claiming the negroes were required to prove their agency and authority, and, also, to identify the negroes. This they could not do. They had no written authority, nor direct verbal authority. If they pretended to have any, it had to be supported by rumor; it was the very evidence which this court excluded. They ascertained that they were not agents and gave the matter up. The negroes went out of the house. There was no violence—no disturbance—no outbreak; everything was civilly and quietly conducted. When the negro had turned round the corner, he had some conversation with several persons, and, amongst others, with the defendant, John Pickering. The negro very soon went to the fence, unhitched a horse; mounted; his child was handed to him by Gilcherson, and he made off, starting upon a gallop. A short time before the negro started, Paul Way was seen on his horse and started up the road, the negro being eighty or one hundred feet behind him. Nothing was said by Way—nothing was done by him—he did not look back as any one noticed. They rode in this manner about one hundred and fifty yards, the negro having gained on him. This constitutes the evidence of the rescue. No man lifted a finger—no man used threats or duress—no man prevented the claimants from holding to the negroes, but it was even told them that if they desired to send to Missouri for evidence, the negroes should be detained by legal process, and time given.

If these acts constituted a *rescue*, then there was one made. But if it requires some overt act, some demonstration of physical power, some menacing threat, some force, actual or implied, some stratagem that operates as a fraud, *then*, the requisites of a *rescue* are wanting. So far as anything can be seen, or has been produced in evidence, it was a voluntary and righteous abandonment on the part of Slaughter and McClure. They had no authority to act—they had no power to hold. They abandoned, and they so declared themselves.

If what was done constituted a rescue, when did the act of rescue begin, and when end? Who did the act, and what was then done? The voice of accusation will never trouble herself with detail in her charges, if she can escape through the miserable apology which is desired in this case. The Fraziers insisted upon the power, and that the blacks were slaves. The declaration filed by the plaintiff concedes and avers that they were proceeding to prove the slaves, and alleges a rescue where they were during this effort at investigation. The evidence does not open the lips of the Fraziers after they arrived in town. It does not even show that defendant, Way, ever saw the negroes. They do not prove that Comer was in town that day or had any knowledge that there had been an arrest. They do not

zens that redress which justice and the Constitution demands at our hands; and it is important to the whole nation, so far as it may show what feeling is now entertained by you, and the people of the North, upon the rights of those who hold slaves in their possession, under the laws of many of the States.

We cannot wonder then, that it has attracted considerable attention, and that counsel have occupied so much of your time, and that of the Court, in their investigation of the law and evidence. In what I am about to say, I shall study brevity as much as is compatible with a due regard to the interest of my client and the high consideration, involved.

The gentlemen have labored, among other things, to show that *we* have not sufficiently proven the agency of McClure and Slaughter under the act of Congress. Is this true, gentlemen? Have we not proven it in various ways, supposing that we are required to prove it at all? A reward was offered for the returning of the negroes. Will not this sustain the idea of McClure and Slaughter being agents? Does it not appoint any one and every one who chooses to act under it, an agent for that purpose? It appears to me that it does; and this fact is brought to light by defendants' own witnesses. But this does not stand alone. The defendants, and those who acted with them at Salem, and its vicinity, have estopped themselves from denying this agency. They have acknowledged it, by contracting with us *as agents*. What is the agreement which is shown to have been made some half mile from Salem, where at least two of these defendants were present and most prominent actors in what there transpired? Was it that we should go before a Justice and prove our *agency*? No! It was that we should there prove that the negroes were slaves and fugitives. Did not the defendants agree that Slaughter and McClure should be permitted to take them away upon proof that the negroes were slaves, and not on proof that they were the duly authorized agents of the plaintiff? I feel confident that there can be no doubt upon this part of the evidence. But when the parties had arrived at the Meeting House, and the crowd had greatly increased, and when they had secured the service of the two lawyers, Button and Street, they made *another* demand! Slaughter was required to prove that he was authorized, by Daggs, to recapture the fugitives. He had no evidence to offer, for the Justice refused to take any judicial cognizance of the case. The negroes were permitted to go away, and were not again seen by Slaughter. But we contend that no specific, personal appointment of an agent was required by the law, and expect that so the Court will instruct you. Yet, if it should be otherwise, we look upon the circumstances shown, as sufficient to enable you to presume that they were duly appointed agents, or that defendants are estopped from denying their agency.

The gentleman complains that I have abused the inhabitants of Salem! Have I done so? What are the facts? He says that I termed it an *Abolition Meeting House*, in which they were assembled, and endeavored to produce the impression that *all* the inhabitants of Salem are abolitionists! I did use the expression *Abolition Meeting House*, but did I *invent* it? Is it

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tice. He was one of the first attorneys for the Burlington & Missouri River Railroad, now a part of the Chicago, Burlington & Quincy system. He also enjoyed a wide reputation as a legal authority. He published three important works under the following titles: "Rorer on Judicial Sales;" "Rorer on Interstate Law;" and "Rorer on Railroads." He also wrote many interesting and valuable historical sketches of the early northwest. Local historical writers attribute the first use of the name "Hawkeye," as applied to Iowa people, to Judge Rorer. As long as he lived he was a prominent factor in State affairs and one of the most enterprising men in the city of Burlington. He was especially noted during the civil war for his earnest support of the Union cause. While in the south he owned slaves, but became one of the earliest advocates of the cause of emancipation.



not in testimony that this is the title by which it is known, and did it not run more fluently upon the tongues of all the witnesses than any other? The gentleman has no right to complain if I give it its usual and well known appellation—if I call it just what the witnesses have called it. I have made no charge upon the people of Salem in the aggregate. I have spoken of abolitionists living there, and it is in evidence that abolitionists *are* there. Am I not to speak of this? Men have a right to be abolitionists, and there is no harm in it, if, as all opinions should be, they keep their sentiments within the prescribed limits of the law. There was much sympathy manifested, especially by the females present. This was natural enough. I do not complain of it—I, too, have feelings of sympathy—nor do I complain of the offices of humanity which such feelings may have dictated; but our sympathy should manumit our own, and not other people's slaves. I do not wish to compare an abolitionist to a thief—I conceive them to be very different characters—but suppose your property is missing and you afterwards find it in the hands of an honorable and high-minded neighbor, do you *presume* that he stole it, or came by it wrongfully? You do not and you cannot, unless he refused to account for its possession. But suppose you find it in a place where thieves notoriously do congregate, what is the presumption? *That it was stolen*, and by some one who frequents that place. Apply the same principle here. Here are men who have established a law of their own. Like all fanatics, they assume that there is a moral law, paramount to the Constitution, and even to the oracles of God himself. They affirm that they may aid in the escape of persons held to service under the Constitution of other States, though by so doing they violate the laws of the Union. If you find fugitives from service secreted among such a people, what is the presumption? Can it be anything else than that they aided and assisted in their escape, or assisted to secrete them? Every one would infer this, and nothing else. And when we find them asserting a knowledge, not only of their lurking place, but of their condition, are we not compelled to presume that they had some agency in their escape? It is in proof that one of the defendants knew both these facts and spoke of them to the witness. We cannot overlook these things, glaring, open, and apparent, as they are.

The gentleman indulged in some remarks upon what he terms my abuse of the "*dumb walls*" of the "Abolition Meeting House." I remember no abuse. I think what I said was rather in its defence. I observed that when appropriated to the purposes of religious worship—that purpose which is so well calculated to inspire the heart of man with the highest and holiest of emotions—it was entitled to the respect and reverence of all. But when *desecrated* by the intrusion of abolition sentiments—when converted into the "*Committee Room*" of the "*under-ground railroad*" company, where their schemes of robbery and wrong were deliberately concocted, I *then* compared it to a place which shall be nameless. But walls are not dumb, gentlemen; they speak to us in the boldest and most pleasing language. The defendants' witnesses may be dumb—may stand mute. As it was said of old, "eyes have they but they see not, and they have ears but they hear not" anything which *you* as arbiters of justice, are interested in knowing. But the walls of a church are not dumb—they have their language and their influence. Yon lonely steeple of the House of God points from earth to Heaven, with an eloquence more powerful than that of living tongues. The veriest skeptic of the present day, would acknowledge the influence and appreciate the associations, could he but look upon the humble stone on which Jacob of old pillowed his head at night; where he saw the vision of the ladder and the angels, and reared an altar and vowed a vow to the God of Abraham and Isaac, when journeying into Padan-Aram. *He* would not say such things were dumb, nor do I. Why were these persons assembled in that Abolition Meeting House? For what purpose did they go there? Was it out of a sincere desire to see justice

done to a citizen of Missouri? to redress a wrong? to obey the law? We are told it was out of mere sympathy! What kind of sympathy it was, we shall see.

Iowa is almost the youngest State in the Union. Missouri is the oldest of those west of the Mississippi. She was one of the Union when we knocked at the door for admission. It was the suggestion of our own minds. We knew what the Constitution was—the terms upon which we could be made a party to that compact—that not only Missouri, but many other States tolerated and sanctioned the institution of Slavery, and that every State was bound by the Constitution to deliver up fugitives when claimed. Shall we now repudiate the contract we have made—shall we be the first to violate it? Shall we affirm that there is a moral law above this, and that we must obey it at all hazards? Shall we be permitted to prate about morals and sympathy with canting hypocrites or maddened fanatics, when we have ourselves sanctioned the institution of Slavery, by entering, with full knowledge, into a contract of which it forms a part? No, gentlemen, treason must first do her work and avoid the institution, by placing us beyond the pale of the Constitution. We cannot serve God and Mammon, nor claim all the benefits of the Constitution, while we repudiate that which does not happen to agree with our individual notions of right and justice. A fig for that sympathy whose first fruits amount almost to treason against the Union. It is a pretended matter of conscience, and the holiest of books, and the teachings of inspiration are adduced to support the direct violation of the law. This is not the first time we have found that Satan can cite Scripture for his purpose.

We are next told that we have no evidence of an escape—that we could have proved this fact by William Daggs and were bound to produce him! How do they know that he could have given better evidence of an escape than we have already produced? Are the gentlemen quite certain that he saw the negroes leave his father's? If so, that is quite enough for our purpose. Is this at all probable? I think not. Those who have such intentions do not *usually* advise their masters of it, nor start off in open day. This is one of those acts which *require* darkness rather than light. The very terms we employ in speaking of it, imply, in most cases, that it was done in secret—without the knowledge or consent of the owner, and, consequently, that *he* did not see it done, and that it is not probable that any one, not assisting or conniving at it, did see it. We have shown that Daggs owned and possessed them a month previous, and it has not been shown that he ever sold them, hired them, or sent them away. No doubt has been thrown upon our title by any circumstance whatever. If *we* had sold the negroes, it is a fact for *them* to prove; and it would be the easiest method of defeating our suit forever. That they have not attempted to do so confirms and supports our evidence. It is said that drowning men catch at straws, and we have proof of the truth thereof in this case.

The people of Missouri cannot be presumed to intend to set their negroes free. Their slaves are looked upon as property, and the same presumptions are raised in regard to *them* as to any other property. The horse in my stable is presumed to be my property, and the presumption holds good if he is afterwards found in the fields or upon the common. So a slave is presumed to be mine, wherever found, after proof of such ownership, until it is shown that I have consented to part with it. The ownership and possession are *continuous* in their nature (2d Cow. & Hills' notes, 295.) The law, then, presuming that the negro is still mine, only allows me to act upon that presumption when it asserts that I may retake him in Iowa, and in *any State in the Union*. The idea that this right of retaking is confined to the free States, is fallacious. I may retake him as well in Texas or South Carolina, if he escapes to either of those States, as in a free State. The provisions in the Constitution and act of Congress are general. That is, in other words, I may exert the same control over him



where found, as if I and he were both at home. And this is right and proper. But I may not commit a breach of the peace in taking him; and to avoid all danger of this and to make certain my claim without chance of injury, the law has provided a mode by which I *may* require the sanction of the magistrate and his assistance to enforce my claim, but am not compelled to do so. The escape must be *out of one State into another* before we can bring an action upon this statute. We have shown this fully and completely. We owned and possessed them in Missouri. The escape is proved by finding them in Iowa. We are not to suppose that Daggs sent the negroes into Iowa, or brought them here and set them free; for men are presumed to act according to their interest, until the opposite be proven, and there is no fact or circumstance to induce any one to imagine that he ever dreamed of such a thing. 2 Cow. & Hills' notes, 301.

Plaintiff's son has proven that plaintiff had owned the older negroes a long time; that he resided some fifteen miles distant from his father, who sent for him immediately after the negroes were missing; that he went up to his father's and found them gone, and that he had seen them there about a month before; and I have shown that the presumption is that the possession and property continue, until something is shown to the contrary. The gentleman says that according to my idea the assemblage of Abolitionists in Salem is still there. He is mistaken; the evidence shows that it did break up. But without this his position would fail, for meetings of all kinds are in their very nature transitory and not continuous. (2 Cow. & Hills' notes, 295.) This is but another specimen of the gentleman's calling "spirits from the vasty deep." We cannot be required to prove that we never sold the negroes. We need not prove a negative.

It is asked why McClure is not here to testify—why we have not his deposition? The gentleman himself tells you we made the effort but were so unfortunate as to have the deposition ruled out. Is this to be made a circumstance against us?

It is asked, also, if finding negroes in Iowa is evidence that they are fugitives? We see blacks in the streets daily, and do not presume it, and no one imagines that I have any such idea. But there were men in Salem in search of these fugitives and at that particular time. These negroes were *not* found in the streets attending to their daily avocations like honest persons. They were *strange negroes*, and were skulking in the bushes and endeavoring to conceal themselves, and did not deny the ownership when claimed. Are not these circumstances, happening so strangely at the same time, and brought to the knowledge of defendants, enough to found a presumption upon, of their knowledge of the character and condition of the negroes, and, with the other evidence adduced, of a participation in the act of concealing them. In Missouri the presumption is that a black man is a slave. Here it is not so. But other circumstances may easily raise the presumption. Look at the circumstances surrounding this case. The negroes are found early in the morning hiding in the bushes. They are claimed by Slaughter as the slaves of Daggs, and, with McClure, he takes possession of them. He goes to Salem and procures two men to assist him in returning them to Missouri. He goes as quickly as possible, and when he returns to the vicinity of the spot where he first discovered them, the citizens of Salem were already there. How did they happen to be there so opportunely? The defendants, Elihu Frazier, Thos. Clarkson Frazier, and a man called Johnson were there, together with others whose names we have no means of knowing. Some of the negroes were willing to return with Slaughter; the yellow man resisted. None of them denied that they were the slaves of Daggs. And what did these defendants do under these circumstances? Did they stand by without doing anything? Were they *merely* looking on, *sympathizing* with the negroes? Nothing like this. They were *excited—angry!* One said the negroes *should not* be taken away



in any event. Another that they *must be proven to be slaves before* a magistrate, and Johnson told the mulatto that if Slaughter touched him again *to knock him down!* These men were all in company, aiding, supporting, and encouraging each other. They out-numbered Slaughter and McClure. Still we are told *no violence was used*, and that Slaughter should have gone on until something was done to render it physically impossible to go further; although we are told by Slaughter that he did not think himself strong enough to make the attempt—that he was out-numbered. These are strong circumstances, and we cannot get over them. Witnesses may lie, but circumstances cannot. Can there be stronger than those we have proven? What are they? First we learn that John Comer, one of the defendants, told one of the witnesses that there were run-away negroes in the neighborhood—that certain persons were there in search of such negroes, and “*he sniggered in his sleeve and seemed to know where they were.*” They are found concealed in the bushes near to Salem, and almost at the moment of their discovery, the Fraziers and their associates are found upon the spot, acting in such a manner as to deter the agents of the plaintiff from asserting their undoubted right to convey them back to Missouri, and raising the inference that they knew where they were concealed. One says they shall be taken back under no circumstances; another, that he will wade through Missouri blood before they shall be taken back; and another tells one of the negroes to knock Slaughter down if he touches him again! Finding he can do nothing better, Slaughter agrees to go before a magistrate. They go towards Salem, the crowd increasing until they arrive at the Stone House. Here the women make their appearance—the procession halts—they join the throng. It is said that one woman is equal to ten constables to keep the peace—but not so here. Some bring bread, it is true, and that is very well. It is a work of benevolence and shall return unto them after many days. But some exhort the crowd and others pray aloud for Slaughter and the negroes—for Slaughter a little, and for the negro in particular. The excitement became intense. Threats, imprecations, and prayers, emanate from the crowd until the whole scene becomes a mixture of the terrific and the ludicrous. The village school-master here appears, makes a speech, and pours oil upon the troubled sea of human passions, and quiet is restored. They then go to the justice’s office; the crowd still increasing, the office is too small to hold them and they proceed to the *Abolition Meeting House*—the crowd confident in its own strength, and Slaughter and McClure acting under control of the attending circumstances. There were two parties—one wished the negroes to go free, the other wished them to return to Missouri. The crowd acted as one man, and so acted as to deprive the plaintiff of his rights. It was a riotous assemblage—it was a conspiracy to injure the plaintiff, and all who were present were guilty. If they would avoid this imputation, they must show that they *then* did something to evince their dissent. Defendants cannot stand by and see such things enacted, without incurring the penalty of guilt, unless something was done to convince you, gentlemen, that they did not participate. They must in some way show you that they were innocent of the wrong the law and reason ascribe to them, before you can suppose any one of that crowd innocent. Some of these defendants are proven to have been present and actively engaged in what was done. As to them, there can be no doubt in the minds of any sane man. It is from an array of facts and circumstances like these that we may presume their guilt, and this presumption is so strong as to leave not the shadow of a doubt upon our minds.

The gentleman’s illustrations all fail him. Those of the Pitcher, Stove, the negro in the street, men in thick or thin clothing, are all of a certain class, and are not fixed and unalterable. They may be rebutted by others of a similar character. If we had glasses sufficiently powerful to discern

the material of a man's dress in the moon, and should find it to be of *fur*, we should probably suppose it was cold weather there. But if we should at the same time see that the land was clothed in a luxurious garb of verdure, the presumption would be removed, or rather, the one would balance the other, and we would be compelled to look for some other fact to give certainty to our opinion. That black men in Iowa are free is a fixed presumption of law, I admit, but not such a one as may not be rebutted. So, all men are presumed to be *honest*; but if we hear the cry of "*stop thief!*" and see a man start into a guilty run, we all suppose that *he* is the thief. The circumstances we have proved, the actions of the negroes, their silence upon the claim of Slaughter, all brought home to the knowledge of defendants, are quite sufficient proof of their condition, escape, and the notice to and knowledge of the defendants, and they being so soon at the finding, shows that they knew where they were concealed.

As to the negroes being the property of Daggs, the illustration of the coin, given by the gentleman, is another failure. He has admitted the ownership of Daggs in the opening. He cannot now deny it. Coin, known by mere description, will not raise any presumption, perhaps. But the identity of these blacks is not shown solely by their being so many men, women, and children, but by their age, color, names, and conduct. Now all men may have coin, but all men have not negroes. If you find a certain number of coins of different descriptions which you have lost, and find them under circumstances similar to these, there could not be stronger proof that they are yours, and the variety in description increases the certainty of the proof.

These defendants were inter-meddlers with the rights of plaintiff and his agents, and the agreement made by Slaughter, was made under moral duress and compulsion, to avoid a breach of the peace and a contention with over-powering numbers. That he was agent, is shown by the acts of defendants in treating with him as such. The intermeddling of defendants is like "*going to Texas to fight for our rights.*" It was nothing but their disposition to intrude upon plaintiff's rights that has caused this difficulty. Their sympathy for the negroes was their excuse! Their high sense of the turpitude of slavery—of its injury to the rights of man, and the great laws of God and Nature are pleaded as their apology! But who has made *them* the judges of that law? When were *they* made the oracles of wisdom and of God? Can their private opinions be set up in extenuation of their guilt, when they invade the province of the law and violate its most positive sanctions, under the pretence that the *law is wrong*? The very authority they appeal to, and to which I admit all human laws should conform, *commands the opposite*. We are required to obey those in authority by the oracles of God himself, and the commandment to servants is, "*servants be obedient to them that are your masters,*" and to all men the commandment is, "*thou shalt not covet thy neighbor's servant.*" Look at the defendants' acts. It is admitted that they had no right to compel Slaughter to go before a magistrate; but it is said that they had a right to *persuade* him to do so! Was it *persuasion* they used? Is the assertion of one of the Fraziers that the negroes should not return *unless* they were taken before a magistrate; of the other that they should be taken away *in no event*; Johnson's advice to the negro to knock Slaughter down if he ventured to touch him again; the exclamation of another "*that he would wade through Missouri blood;*" the presence of numbers sufficient to enforce these *threats*, is all this *persuasion, mere persuasion*?

Let us now look at the general character of the evidence. You know as men, if not as jurors, that we have been forced against our will into this trial, and that some of the witnesses we were compelled to call were originally defendants to this suit. Slaughter tells you that when he overtook the wagon, in the bushes near Salem, there were three young men in

it, and the driver called himself Anderson or Andrews. Young Frazier, defendants' witness, swears that *he* drove the wagon *all the time*. That he took down to Farmington *two young men* and brought them back. He did not know their business—where they lived—where they came from—where they were going—where they boarded in Salem, but knew it was not at the hotel; he saw them first at his own house, but could not tell what they came there for—and last saw them in the streets of Salem a few days after the negroes were there! This seems rather extraordinary! He knows whose horses he drove—they were John Pickering's—and the wagon belonged to another man, but he didn't know to whom! Is not all this exceedingly suspicious? He says the negroes were not in the wagon. Do you believe it? You are the judges of the evidence, and you are to determine not only from what is said, but also from what is *not* said, and by the manner and demeanor of the witness, and by his consistency with all the other testimony. Slaughter says the negroes were not in the wagon when he got up to it. But does that prove that they were not in it before? What was the wagon stopped in the bushes for? It had been driven very fast three or four miles across the prairies and it had a cover. Why was it in the bushes, and why did it *stop* in the bushes so near to Salem? Has any reason been assigned, and had there been a good one would not the gentleman most gladly have shown it to you? But defendants stopped the examination short as soon as they got the witness to say the negroes were not in the wagon. There is a mystery here, which your verdict will solve.

We are asked what evidence there is against John Pickering. His horses went to Farmington, driven in another man's wagon by this young Frazier, who told Slaughter his name was Anderson or Andrews, and, as is said, to carry a Methodist minister! There is nothing to show that either of these young men was a Methodist minister. John Pickering was charged by his brother with having assisted in conveying the negroes. He was seen talking with the negro in the crowd at the Abolition Meeting House just before he escaped on the horse. They were *tete a tete*, cheek by jowl, billing and cooing like doves in the spring of the year. The negro left his side and went directly to a horse on the opposite side of the street; Gilcherson unhitched the horse, and, when the negro had mounted, handed up the child. Paul Way starts out from the other side of the house and rides off upon a gallop followed by the negro, also upon a gallop, at a short distance in the rear. Are not these strong circumstances? Do they not prove the guilt of those having an agency in them? The negroes escape on Friday night. On Sunday morning the wagon goes to Salem under most mysterious circumstances. On Monday morning the negroes are found in the vicinity, concealed in the very bushes in which the wagon had stopped. The agents are forced into Salem against their will, when they might have taken the negroes off, and the defendants are all concerned in the matter at some time or other before its termination. Can you believe witnesses who talk so glibly when questioned by defendants and stand almost mute upon my interrogations? One of those whom we were compelled to make a witness of, is very forgetful but the gentleman made him remember a great deal. They were in no fear of him—they knew he was fire proof. But not so with their own witnesses. How cautiously their questions were confined to particular facts—no general knowledge is demanded. The whole truth is not asked for by them, and we are prohibited by the technical rules of law from extending our inquiries further than they did theirs. Their very manner in this particular is evidence of their guilt, and is proper for your consideration. 1st Greenleaf's Ev. p. 42 and 37. To wince before they are hurt, is evidence that they expected to be hurt if they did not wince. Why afraid of facts if they are innocent? In such case nothing could be told to their injury. Truth is always consistent and always lovely. It will bear probing, and the more you probe it



the brighter it becomes, and the more you make its consistency apparent. You, gentlemen, must believe from all the circumstances, that the defendants are guilty. It cannot be otherwise. The mere shadow of truth alarms them. They cannot endure its light.

As to the agency of Slaughter, I still contend that the agreement with him estopps them from denying it. The offering a reward will constitute a sufficient agency in those who act upon it. If I publicly offer to pay any one ten per cent who will sell my horse for a certain price, I can be compelled to pay it if the sale is made.

But upon the Counts for harboring and concealing it is conceded that no agency is necessary. The first two Counts are for a rescue—the next two for harboring and concealing so that we lost the negroes, and the last two for hindering and preventing us from regaining the possession of them. On the third and fourth Counts it is not required of us to prove any agency, or that defendants even knew whose negroes they were. It is enough if they knew that they were slaves. If any act of defendants amounted to harboring or concealing, that moment their guilt became fixed, and they became liable to us for the amount of damage we may have sustained. If we afterwards recovered the negroes, our damages would be for the detention and the expense we incurred. If the negroes were not recovered, then their value must fix the amount. We have acknowledged the recaption of four of the nine—two women and two children. The remaining five have never been regained. This is the amount of our injury. Under the evidence we have adduced, you will have no difficulty in making the estimate. It is shown that the men were worth nine hundred or one thousand dollars each; the women six or seven hundred; Martha the girl two hundred and fifty or three hundred, and William two hundred. No value was placed upon the other two children. What their services were worth, a year, was also shown to you. If you find the defendants guilty, you will assess the damages according to the evidence upon this point which has not been controverted or disputed.

I have said that this is an important case, and I repeat it. In whatever light you choose to view it—whether as citizens of Iowa, desirous, as you should be, to convince our sister States that you will deal out justice as impartially to them as to your immediate neighbors—as citizens of the Union, determined to support and sanction in all its parts, the compact to which, upon our admission, we became parties—as neighbors to Missouri and anxious to maintain peaceful and friendly relations with her and her citizens—as law-abiding men, acting under and by authority of the law and the constitution—in whatever light you look upon the case before you, it presents an important and interesting aspect. It would do so at any time—how much more important, then, does it become at the present crisis? The very subject upon which you are called to decide, is now agitating our country from Washington to the most distant borders. It has been a source of contention and distrust among the people of both North and South—of slave-holding and non-slave-holding States. Your verdict will show whether there is just ground for this suspicion, as to us. Whether fanaticism is to be encouraged among us of the North, or the wild and maniacery of disunion in the South. I feel confident you will deal out justice to all the parties before you according to the law as it will be given you by the Court, and the evidence you have heard. The guilty deserve to be punished and the injured are entitled to redress. Above all, the law should be vindicated—its supremacy confirmed. The idea that any man or society of men, may be permitted to trample upon the plain letter of the law and Constitution, should be severely rebuked, and the offenders convinced that the impunity they have enjoyed in other places, will never be found in Iowa. The Union has a right to demand this of you—Missouri demands it, and all good citizens of our own State unite in the requisition. If there

is guilty here, it should be punished. If against any who are charged, you find no evidence, you will say not guilty as to them. But if you are satisfied that any *one* or more is guilty, you are, by all the high obligations I have mentioned, required to find him or them so in your verdict.

Gentlemen, I have done. I commend the case to your hands with the firmest conviction that you will meet out to us nothing more or less than impartial justice.

Upon the conclusion of Mr. Rorer's argument, his Honor, J. J. Dyer, proceeded to deliver to the Jury the following

#### CHARGE.

This (said his Honor) is an action of Trespass on the Case, brought by the plaintiff, Ruel Daggs, a citizen of the State of Missouri, against the defendants, citizens of the State of Iowa, under the law of Congress relating to fugitives from labor.

It is a case well calculated, at this time, to create some degree of interest in this community. For, while our whole country is agitated upon the subject of Slavery—while towns, counties and States have been and are arrayed against each other in an almost warlike attitude, and this great Confederacy is thus threatened with destruction, and the fears of citizens in various parts of the Union are exciting and inflaming their minds, and driving them to acts, which it is feared, will have soon, if they have not already, brought us to the very verge of Destruction—I repeat, it is not strange that there should be some interest manifested in the result of this case. I am happy to say that no undue excitement has been shown during the progress of this trial. You, gentlemen, have patiently and calmly heard this case, and thereby shown that you appreciate its importance. Counsel on both sides have ably, zealously, but with a commendable spirit of fairness and liberality, conducted it to its close. With the general excitement on this subject, and the many plans for its settlement upon some satisfactory basis, we have nothing to do. Our business now is with the laws and Constitution as they are, not as we may think they ought to be; and, I doubt not, gentlemen, that you will come to the investigation of this case in your retirement, with minds unbiassed, unprejudiced, and with a sincere desire to render your verdict in accordance with the law and evidence submitted to you.

The act of Congress upon which this action is founded declares—

That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitive from labor, or shall rescue said fugitive from such claimant, his agent or attorney, when so arrested, pursuant to the authority herein given or declared; or shall harbor or conceal said person after notice that he or she was a fugitive from labor as aforesaid, shall, for either of said offences, forfeit and pay the sum of five hundred dollars, which penalty may be recovered by and for the benefit of such claimant, by action of debt, in any court proper to try the same; saving moreover to the person claiming such labor or service his right of action for or on account of said injuries or either of them. (Act of February 12, 1793.)

The plaintiff has not thought proper, to institute his action for the penalty, but relies upon the concluding clause of the act. The declaration contains six counts: 1st. That on the first of May, 1848, the plaintiff, a citizen of Missouri, where slavery is tolerated and established, owned and had in custody and under his control, nine persons lawfully held to labor, and described in the declaration; and that said slaves escaped from the service and labor without his knowledge or consent into the town of Salem, in the county of Henry and State of Iowa; and that by his agents he afterwards recaptured said slaves in the county of Henry; and that defendants after having notice that said negroes or persons were fugitives from labor,

and that the said agents had a right to reclaim and arrest said fugitives, rescued, aided and assisted said fugitives in making their escape to some place beyond the reach of the plaintiff and his agents:

2d. That the defendants rescued the said slaves from the custody of plaintiff's agents:

3d. That the defendants concealed said slaves from said agents:

4th. That the defendants harbored and concealed said slaves:

5th. That defendants obstructed and hindered an arrest:

6th. That defendants hindered and prevented the agents from reclaiming and seizing said slaves.

George Duggs, the plaintiff's witness, states that he is the son of plaintiff, and that his father has resided in Clark county, Missouri, for twelve or thirteen years; that he, the witness, resided in Missouri about fifteen miles from plaintiff; that soon after the 2d of June, 1848, he was sent for by his father to hunt after nine slaves belonging to plaintiff, and upon arriving at plaintiff's house, found that the nine slaves were not at the house of his father, the plaintiff, viz: a black man named Samuel Pulcher, 40 or 45 years old, worth at that time from \$900 to \$1000; Walker, a yellow man 22 or 23 years old, worth from \$900 to \$1000; three negro women, Dorcas, Mary, and Julia, worth \$600 each; a boy and girl worth \$250 or \$300 each, and two young children, whose value he could not give. That soon after he was sent for to plaintiff's, the two women, Dorcas and Julia, and the children, Martha and William, were recovered and brought back to plaintiff's house. He knows nothing of the manner of the escape, or whether they did escape to this State of his own knowledge.

Albert Button resided, in June, 1848, at Salem, Iowa, and about that time saw, in the streets of Salem, a crowd of 50 or 100 persons, and a negro man and boy in the midst, who, he heard a man whose name was McClure say, were slaves. The crowd, with the negroes, went into the Anti-Slavery meeting house, as he understood, by agreement of McClure and Slaughter, of Salem, who were claiming said negroes as fugitives from labor, and the citizens who were in the crowd, to try before a Justice of the Peace, whether said negroes were fugitives as claimed. That Slaughter and McClure, who said they were authorized to seize the slaves, could or did not exhibit their authority for acting as agent for plaintiffs, and that the Justice would not take jurisdiction or cognizance of the case; and that the negro man and boy were permitted to depart. That he saw no manifestation on the part of any one in the crowd to use physical force to prevent the capture of the negroes by the men from Missouri. That one of the Fraziers, a defendant, was present in the crowd.

Jonathan Pickering resides near Salem, was not present at the time mentioned. Was informed by his brother, John Pickering, one of the defendants, that a few days previous to the day on which the negroes were brought to Salem, he had hired his horses to Eli Jessup to put them in some carriage to take a Methodist preacher to Farmington, on the Des Moines, and that he complained that the horses were not brought back at the time agreed upon by Jessup and himself. When they were brought back, they were attached to a wagon; but to whom it belonged, witness did not know. That he, witness, charged John Pickering with sending his team to carry off those negroes, which defendant denied. That Comer also denied knowing where the negroes were, only that he knew they were not in Henry county.

Samuel Slaughter was employed by McClure, or some one, not the plaintiff, to assist in finding the negroes; and after looking for a day or two, as they were riding on the road from Farmington to Salem, saw a wagon driving rapidly towards Salem, and following, overtook it about one-fourth of a mile from Salem. There were three young men in it and not any negroes as he expected to find. That he went into the woods a



short distance and came upon nine slaves—the description answering to those mentioned in the declaration, he and McClure took them and tried to get them to go with them; a part consented—he placed one of the men on a horse when several persons came down the Salem road, two of whom he afterwards ascertained to be Elihu and Thomas Clarkson Frazier, the defendants. One of them said to him, you can't take these negroes with you unless you prove them to be slaves. The other said you cannot take them in any event, whether you prove them or not. Soon after, other men came down the road from Salem to the number of about a dozen and joined them, and all insisted that the negroes should be taken to town to be brought before a Justice of the Peace. That he, McClure, tried to prevail upon the negroes to go with them to Missouri, but were prevented from compelling them to go, by the hostile appearance of the crowd. That in accordance with the wish of the crowd, they started to Salem, taking the negroes; and fearing one of the negro men was about to escape, he seized him by the arm, and some one took the negro from him and told the negro to knock him down if he attempted to touch him again. They at length got into Salem, and after stopping once or twice, reached the Friends meeting house. A Magistrate and two attorneys, Button and Street, were prepared to inquire into the right of witness and McClure to seize said negroes as fugitives from labor. Only two of the negroes went into the house, a man and boy. The witness then offered to prove by McClure that the negroes belonged to plaintiff, but was not permitted to do so. The Magistrate was requested by Button to discharge the negroes, which he refused to do, saying that the case was not properly before him. He was then requested to say that they were free; Magistrate said they were as free as he was for aught he knew. The negroes then left the house, and mounting a horse rode off in company with or following Paul Way, and he did not see them afterwards. Considerable excitement prevailed.

Hurting was in Salem on Monday, when the negroes were brought in. Saw two men, one black and the other yellow, in the crowd. Elihu Frazier was in the crowd. After which, the negro man walked off to the fence, unhitched a horse, got on him, and after a man named Gilcherson handed up the negro boy, rode off north, following Paul Way, who was also on horseback, both riding in a canter. There were two parties in the crowd, one wanting to take the negroes to Missouri, the other wanting them to be tried. Saw the two defendants, Fraziers, at the stone house before the trial; don't recollect to have seen them in the meeting house. Magistrate said he had no jurisdiction. Slaughter said he was fairly beat, and if he had commenced the suit properly, believed that there were enough law-abiding people in Salem to assist in getting the negroes.

Dorland was in his school house, and hearing a noise, dismissed his school; went out and found considerable excitement and confusion; got upon a pile of boards and called the attention of the company to him, and proposed that there should be a trial, and if the negroes were found to be fugitives from labor, they should be given up; all consented to this; went into the meeting house; the black man and child went in also; Slaughter was requested to show his authority as agent; stated that neither he nor any one else was acting as agent in the sense, as the term was understood then; one party wanted to take the negroes off, the other wished them free. Saw Thomas C. Frazier at the stone house; heard no threats.

Several other witnesses corroborate the testimony of the two last, and the balance does not vary from the facts which have any bearing. This is the substance of the testimony in the case. But it will be for you, gentlemen, to say whether, from all the evidence, the plaintiff has made out his case.

There is not the shadow of a doubt, that the statute gives a right of action when its provisions have been violated. This has been settled beyond

all controversy by the decisions of our Circuit and Supreme Courts; and, indeed, it has not been denied by defendants' counsel. Your inquiry will be, simply, whether the defendants are guilty of having committed any or all of the acts alleged in the declaration. The first count charges them with having rescued, aided and assisted plaintiff's slaves to escape. To have done this, it must be proved that the defendants had notice that these negroes were fugitives from labor, and that the claimant was either the master, his agent or attorney, and so knowing, that they willingly rescued by force or such other means, as led to the escape of the fugitives. If there is any evidence to show that the defendants possessed the knowledge, no matter how obtained, that the negroes owed service to the plaintiff, either by the confession of the negroes, or by a written or verbal notice, and that they knew at the same time, that Slaughter and McClure were the agents of plaintiff, they are guilty under this count. A mere obstruction or hindrance after seizure, which does not afford an opportunity of escape, is not an offence within the meaning of the statute. If an escape should, however, happen in consequence of the obstruction or hindrance, and this obstruction or hindrance is made for an illegal purpose, the offence would be complete. The master, or his authorized agent, may seize his slaves, and no one can legally oppose or hinder him, not even a Magistrate, without a warrant, oath or probable cause, to suppose that the slaves do not owe service to such master, or that he is using more force and violence than is necessary for their peaceable removal. The Magistrate has no authority to issue his warrant to seize and bring before him fugitives from labor; he can only act when they are thus brought before him; and the question for him to try, is, whether the persons so brought before him, owe service or labor, according to the laws of the State from which they fled, to the person claiming him, and if so, to grant his certificate for his removal to such State; nor is it necessary that the master or agent should have a warrant to authorize him to seize the slave. He may take him, wherever found. This right of the master results from his ownership, and no one can interfere with this right, if he is aware that it exists. That is, if he is cognizant of the fact that the person seized is a fugitive from labor, and the person claiming him is the master or his legally authorized agent. A knowledge of these *facts* must be brought home to him, but ignorance of the *law* or an honest belief that the person seized is not a fugitive from labor, will not excuse an offender.

The second count alleges a rescue. The remarks made upon the first will apply to this.

The third count for concealing, and the fourth, for harboring and concealing, will be considered together. These terms, Judge McLean has decided, are synonymous; they have the same meaning in the statute on which this action is founded. To harbor and conceal is to do some act by which the fugitives from labor are prevented from being discovered by the master, either by hiding, secreting, or transporting beyond the reach or knowledge of the owner. It has been very properly remarked by the same eminent Justice of the Supreme Court of the United States, that talking to or performing the common offices of humanity, such as feeding the fugitives when hungry, or conversing with him without an intention to violate the law, is not harboring or concealing within the statute. If, however, the party accused has notice that the persons who are charged as fugitives from labor, are such, any act, save one of humanity, which will cause the loss of services, of such fugitives, will render such party liable. If the fugitives are carried or taken to any place beyond the reach or knowledge of the owner, whether he takes him from the possession of such owner or his agent or not, he does that, which the law prohibits him from doing. But, it must be borne in mind, 1st, That the party offending, must have knowledge, notice or information, that the person concealed is a fugitive from



labor, and this knowledge may be imparted by any one, whom it is presumed may know the fact. It has been said in 1 Gall, that notice is knowledge, that any information which may put him on inquiry is sufficient. 2d, It must be shown by the evidence that the party concealing or harboring, does so with the intention to defeat the means of the claimant to secure the fugitives. You must be the judges whether there has been any evidence on these two points.

The fifth count is for hindering an arrest. If the evidence is, that an arrest was made by Slaughter and McClure before any of the defendants interfered, they cannot be found guilty under this count.

The sixth count is for hindering and preventing agents from reclaiming and seizing. You are to weigh the evidence and say whether any or all of the defendants hindered or prevented the legal agents of plaintiff from reclaiming and seizing persons whom the defendants knew to be the slaves of plaintiff.

To recapitulate; you must be satisfied from the evidence that the plaintiff was the owner of the slaves in question, that they escaped from his service in the State of Missouri, to the State of Iowa, and that the defendants rescued, aided and assisted to escape from, or hindered the arrest of the fugitives by the owner, his constituted agent or attorney, and that defendants knew at the time that claimant was the owner or agent. If the plaintiff, Ruel Daggs, in person made the claim, and it was personally known to defendants that he was the person he pretended to be, or if it had been proved that he was such person, then if the evidence shows that the defendants committed any of the acts charged, then they are guilty, or, if an agent is claimant, his authority to act as such must be shown at the time of the rescue; either in writing, or by proper legal proof, it must be proved that defendants knew by some other way, that they were agents. The acknowledgment after, by plaintiff, that Slaughter and McClure were his agents is not sufficient to charge defendants. It was not, could not be a violation of the law on the part of the defendants, unless this knowledge at the particular time mentioned, is brought home to them, and that with this knowledge they were governed in what they did, by a desire to prevent the caption or retention of such fugitives by the owner or his agent.

Or to enable plaintiff to succeed on the third and fourth counts, you must be satisfied from the evidence that defendants, with a knowledge that the negroes were fugitives from labor, concealed and harbored them. It is not necessary, that it should be proved that defendants knew, that the persons claiming to be agents, were such. If at any time before the institution of this suit, defendants concealed, or kept from the knowledge of the owner, these fugitives, with the intention of preventing a seizure or capture, then they are guilty. It matters not, whether the owner or his agents were in search of these slaves or not. It is sufficient that such concealing and harboring under the circumstances mentioned, was the cause of the loss of said slaves.

It is not necessary that I should speak of the feelings and prejudices which exist upon the subject of slavery. Our feelings are rarely a safe guide to govern us in the discharge of our duty to our country and our fellow citizens. If we are guided by the laws, which are a shield to all persons alike, we cannot err, and no good citizen will desire to see the rights of the citizen of any State trampled upon with impunity. Under the law of Congress in regard to fugitives from labor, the plaintiff is justly entitled to a verdict at your hands, if the defendants have been proved to be guilty. But nothing but such legal proof as will satisfy your minds, that the defendants have willingly and knowingly violated this law, will justify a verdict of guilty. The case is submitted to you. If you find the defendants or any of them guilty, you will find the value of the services at the time of their escape, and that value is the amount which the negroes would have sold for at that time.

The defendants then asked the following further instructions:

The act of Congress is the sole foundation of the right of the plaintiff, so far as this suit is concerned, and the jury cannot find for the plaintiff unless they find from the evidence that the defendants, or some of them, violated the provisions of said act;

1st. Before the jury can find for the plaintiff on any of the counts they must find from *the testimony*, first, that the slaves of the plaintiff escaped from Missouri without his consent; second, that they came to Iowa; third, and that the *same identical slaves*, or *some of them*, were found in Henry county, Iowa, and fourth, that the defendants, or some of them, committed a violation of the act of Congress, by which an injury has accrued to the plaintiff.

2d. That before the jury can find the defendants guilty under the 3d and 4th counts, they must decide that the defendants harbored and concealed slaves of the plaintiff, who had escaped from Missouri, and that they, defendants, had knowledge that they were slaves. The offence of "harboring or concealing" is not committed by treating the fugitive on the ordinary principles of humanity. The defendants might rightfully converse with him, and relieve his hunger and thirst, without violation of the law, and under these counts might do any act, except one which not only showed the intention of eluding the vigilance of the master, but was calculated to attain that object.

3d. An open and fair act with an intention to procure a fair and legal hearing for the fugitives is no violation of the act of Congress, and does not authorize a verdict against the defendants.

4th. If the persons who made, or attempted to make the arrest of the alleged fugitives were not legal agents of the plaintiff, Daggs, and previously authorized by him, they must find the defendants not guilty as to the 1st, 2d, 5th and 6th counts of the declaration.

5th. Even if the defendants ratified and adopted the acts of Slaughter and McClure after the arrest or attempted arrest, it does not legalize the agency or arrest so as to affect the defendants or their acts. To charge them there must be a previously existing agency.

6th. The plaintiff must prove that he owned slaves and resided in Missouri. Second, that his slaves escaped without his consent, and came to the State of Iowa.

7th. That the plaintiff must prove facts and circumstances sufficient to show that the escape was involuntary on his part, and the escape cannot be presumed upon the mere hypothesis that the slaves were property.

8th. The plaintiff must also prove that he pursued the slaves into Iowa. This may be done by the plaintiff in person, or it may be done by the authorized agent or agents of the plaintiff. If the plaintiff relies upon the proof that the pursuit was made by an agent or attorney, then he must prove affirmatively that he personally, either in writing or verbally, authorized those persons to act as his agents. That the agency cannot be presumed from the mere declarations of the persons claiming to be agents; nor by their acts, but the writing (if it be in writing) must be produced or its absence accounted for, or if verbal, then the fact that the appointment was thus made by the plaintiff must be proved. Under third and fourth counts it is not necessary that plaintiff or agent pursued into the State of Iowa.

All the above instructions, with the exception of the seventh, were given by the Court.

The plaintiff then asked the following further instructions:

1st. That the presumption of freedom *here* may be rebutted by circumstances; such as their secreting themselves, and not denying their bondage, when claimed, and these circumstances are proper evidence, if brought to the knowledge of defendants.

2d. That there need not be positive proof to enable plaintiff to recover, but circumstantial proof, is sufficient, if satisfactory to the minds of the jury.

The first instruction, asked by plaintiff, was denied and the second given.

His Honor having concluded his remarks upon the law and evidence, the Jury retired in charge of an officer, and, after an absence of between one and two hours, returned into Court with a verdict, finding the defendants, Elihu Frazier, Thomas Clarkson Frazier, John Comer, Paul Way, John Pickering, and William Johnson, *guilty* upon the *first, second, third* and *fourth* counts of the declaration, and assessed the damages at TWENTY-NINE HUNDRED DOLLARS. As to the rest of the defendants, the Jury said, *not guilty*.

Whereupon defendants' counsel moved the Court to grant a new trial on the following grounds:

1st. Because the Jury was improperly impannelled in violation of the statute of Iowa, in such case made and provided, and this fact was unknown to defendants and their counsel, until after the rendition of the verdict; and,

2d. Because the verdict was against the evidence as to some of the defendants, and upon no evidence as to others.

The motion was argued at considerable length upon these grounds, with comments upon the evidence, as applicable, under the statute, to the tenor of the declaration, by Messrs. Hall and \*Morton for defendants, and opposed by Mr. Rorer; after which the plaintiff entered a *nolle prosequi* as to William Johnson; whereupon the Court decided that although the verdict was bad upon the *first, second* and *third* counts,

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\*John T. Morton came to Mt. Pleasant, Iowa, about 1842 or 1843. He was a bright young lawyer and took an active interest in politics. He was one of the representatives from Henry county in the first General Assembly, in 1846, and was elected to the Senate from that county in 1850. He continued the practice of law until about 1856, when he went to Quincy, Ill., and became the editor of *The Quincy Whig*, a well-known newspaper, which he conducted until near the close of the civil war. He was shot and quite severely wounded by some rebel sympathizer during the war, for something he had published in his paper. After the war he went to Kansas, and was for a number of years one of the district judges in that state. He died there some years ago. We are indebted for these facts to Judge W. I. Babb, of Mt. Pleasant.

it was good upon the *fourth*; the motion was therefore overruled, a new trial denied, and judgment entered upon the verdict.

Defendants then asked time to file their bill of exceptions, for the purpose of taking the case to the Supreme Court, by Writ of Error, which, no objection being made, was granted.

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THE INDIANS.—Some difficulty is apprehended in removing the Indians camped on Skunk river. They are principally Iowas and Pottawattamies, about 600 or 800 in number, and have expressed their determination to remain where they are until fall. Their land lies west of the Missouri river, where there is no game and the soil is poor. Maj. Woods, with some 200 soldiers, dragoons and infantry, is camped near them awaiting the expiration of the time he gave them to remove, when if they do not go he has no discretion but to force them. Many of the settlers about there, fearing a collision between the troops and the Indians, have abandoned their houses and crops, and removed into the settlements. The Indians have put in some forty or fifty acres of corn which we are told looks well and they ask to stay until they can gather it, but the edict has gone forth that they must go. "Alas, the poor Indian."—(*Fort Des Moines Gazette*.) *The Western Democrat, Andrew, Iowa, July 26, 1850.*

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RUMORS unfavorable to the notes of the State Bank of Ohio are in circulation. In fact none of the Whig trash for which the farmers have to exchange their products . . . is safe for twenty-four hours—no man should keep it over night while he has a debt to pay, or a profitable investment can be made.—*Iowa Democratic Enquirer, Jan. 28, 1852.*

## THE TRANSFUSION OF POLITICAL IDEAS AND INSTITUTIONS IN IOWA.

BY F. I. HERRIOTT.

The world has never seen more varied and extensive experiments in social and political institutions and methods of government than have taken place, or are now in progress, within the confines of the United States. The immense extent and variable topography of the country, the great diversity of soil and climate present original and persistent conditions that always exert powerful influences in moulding political institutions and the political character of a people. There has been a steady influx of various peoples, the numerous streams at times swelling into veritable floods, bringing with them all manner of customs, institutions and habits of thought and conduct, and all these in turn being modified more or less by succeeding waves of immigration. There has been a remarkable growth of local, state and national jurisdictions, starting from numerous isolated colonial local groups with more or less impotent central authorities that after years of friction and conflicts and ultimately through the pressure of necessity in a common struggle for national independence took on the political form of co-ordinate sovereign states yet all at once subject to a masterful national power, constituting a complex of governments, the like of which has never been seen before. The transplanting of institutions from the old world to the new, from the older eastern states to the middle west and to the far west, with the accompanying transfusion of political ideas, with the action and reaction of these upon local institutions and indigenous customs, as the currents of population have made their way across the continent, now coalescing here and there, presents a vast panorama of human development that is bewildering but withal magnificent and fascinating to him who will but pause to observe and study.

By her geographical location Iowa has been at the cross-roads, so to speak, of the continent. Into her gates and through her borders have poured innumerable and unending streams of people, foreign born, as well as native Americans, bringing with them the political inheritances of their parent states. Between 1836 and 1860 the population increased by leaps and bounds, from 10,531 in the former to 673,779 in the latter year. The earliest settlers chiefly came from southern Ohio, Indiana, Illinois and the more northerly of the southern states. The bulk of these first immigrants came from the southern states or were remotely of southern extraction, and they settled mostly in the southeastern and southern portions of the State. Later, large contingents came from New England, Pennsylvania and New York, these settling largely in the central and northern parts of the State. The disturbances in Europe in 1848 and the following year caused great swarms to come from Germany and Ireland to mingle with our population. In later years thousands of Scandinavians came among us.

During the nearly three-quarters of a century that social and political institutions in Iowa have been undergoing the processes of transplanting, creation, modification and growth, what has been the effect of the commingling of these various streams of population? In the struggles for political supremacy of the different elements what political ideas and institutions became predominant? To what extent was the outcome in legislation an overthrow of one idea, of one institution, by another of different type? To what extent was there coalescence? To what shiftings of population shall we ascribe the changes made in county government from the system of control by commissioners in 1838 to the autocratic county judge system in 1851, then the abandonment of that in 1860 and the adoption of the present supervisorial system? Why was it that receiving the body of our territorial laws from Michigan where the New England township system of government, namely, direct local control by town or mass meeting, was

in vogue, we rejected that mode and adopted the trustee system so much less democratic? Our sister state of Illinois exhibits a most interesting struggle for supremacy between two political systems, the township meeting plan and the county government scheme, the former encroaching steadily upon the latter until the area of the county government control is now small and confined to the southern part of that state. To what are we to ascribe the absence of such a struggle in Iowa? Are our people less vigorously democratic, less assertive of their right to control their local affairs?

New social and political elements have been injected into our state life with the great influx of Europeans. Many of them came to us because oppressive laws and harsh conditions drove them from their fatherlands. Did they bring with them their old resentment against the established order to such an extent as to affect vitally the drift of our politics and legislation? Have socialistic doctrines and tendencies increased among us by reason of these numerous old world elements? May we perceive and trace these influences in the budgets of our cities and of our State government, and in the attitude of our citizens towards the regulation and control of corporate business undertakings and monopolistic enterprises? In what various ways have these foreign born citizens engrafted their old world social and religious customs upon local traditions and customs in the communities where they predominate? What effect have these had upon the development of local institutions and the course of local political life? In the long drawn out struggle over the control of the liquor traffic in this State, what parts have the Puritan and the Bourbon and the foreign elements played? Each has exerted constant and powerful influences and effected mightily the results.

Readers of Plato, Sir Thomas More, or Rousseau, very naturally conclude that the making of laws and the establishment of institutions of government are merely an exercise of mind, or a matter simply of election. From their

writings one infers that out of the depths of their inner consciousness men spin the fabric of law and of political organization, and when needed they can be created *de novo* out of hand. Rarely does anything like this, even in appearance, ever take place. Governments, like everything else, have arisen to meet the needs of men in the struggle for existence. Conditions necessitate or suggest methods of action and time produces habits of conduct, and these eventually crystallize into customs and laws and institutions.

When people emigrate to a new and uninhabited country they take with them a stock of old ideas and habits of thought and action which they follow and utilize, as a matter of course, in their new homes. If the conditions on the frontier or in their new homes are not wholly adverse they naturally seek to establish the social and political systems under which they were reared. They reproduce familiar and customary institutions. If the institutions first established fail to work satisfactorily, those social groups having different political inheritances that were at first in the minority, or that come later and mingle with the original population, will agitate for the adoption of the institutions of their parent states.

With the process of time, experience induces modifications and increase of forms and procedure, but it is all a refashioning of the familiar and long-tried institutions or rules of action. There is little severance from the past in the creations of the present. The experience of other communities or states may be utilized and we may consciously import ideas and institutions; but the importations or innovations are not abnormal nor contradictory to our political thought and organization; else they could not be engrafted in our system of laws and government—public opinion would not tolerate them. In these later years legislation in our states has become more and more a composite of the laws of many states. Laws that work well in one commonwealth are incorporated bodily into our own statute books; or some device is



taken from one state, a different method affecting a related institution from another state; or out of a consideration of the laws and practice of other states our law makers receive suggestions that lead to the formation of a new scheme of administration. These various processes of transfusion of political ideas and institutions are strikingly shown in the history of Iowa.

The influence of the traditions and institutions of ancestral states is clearly exhibited in the messages of the early governors, especially those of Governors Lucas and Grimes. Fresh from Ohio, where the formative influences in government were just then especially manifest, the recommendations of Iowa's first governor respecting schools and township government and the control of the liquor traffic were in large part but an echo of the political discussion of that state. Governor Grimes, although from a corner of the State where public sentiment was reactionary in its drift, represents the democracy and liberal traditions of Puritan New England. He brought from the hills of New Hampshire an advanced liberalism and his far-sighted policies with regard to education and the care of the insane and defective classes in society voiced the humanitarianism that in general characterized the political thought and institutions of the Puritan states, rather than of the southern states.

The numerical preponderance of people from the southern states, of those who, although coming from southern Ohio, Indiana, and Illinois, were originally emigrants from Kentucky, Tennessee, and the Virginias, or the immediate descendants of such emigrants, accounts in large part for the early predominance of county government and the trustee system of township control in the State. In this fact, too, we find the chief explanation of the vigorous opposition so long maintained against "forward" movements for state aid to education and the establishment and furtherance of state and local libraries and schools, and of state institutions for the care of the insane and unfortunate. The existence of

virile southern traditions in our early state life was clearly exhibited in the great body of pro-slavery sentiment in the south half of Iowa just before and during the early days of the civil war, which manifested itself so often in acrimonious discussions and at times during the war in fierce animosities and belligerent outbreaks.

A very considerable proportion of the people of southern extraction that came into southern Iowa in such large numbers, prior to 1860, trace their lineage back to that interesting sociological element in the history of all southern states that have their watersheds in the Appalachian mountains—namely, the “poor whites!” This class arose from the thousands of “indentured white servants” that constituted the bulk of the manual laboring population of the first years of Maryland, Virginia, and the Carolinas. A large proportion were of the class known as “redemptioners,” some were political prisoners, and a considerable number were “penal colonists,” the output of the Old Bailey in London. With the social changes resulting upon the expansion of slavery the livelihood of this class became precarious with serious results to their welfare. They were landless and poor. The presence of slave labor made the labor of whites socially impossible because it was considered degrading. The outcome was that the poor whites became an idle, shiftless class, living in a promiscuous fashion among the plantations, or they moved back into the woods and mountains where they led a free existence hunting and trapping or farming. The most ambitious or restless moved west, settling in Kentucky and Tennessee, and when the same conditions began to pinch in those states, migrating thence to southern Ohio, Indiana and Illinois.

Among these southern folks were not a few Scotch-Irish, that sturdy stock that has played such a conspicuous part in the history of many American states. Prosperous in industry and in their religion in Ulster, in the north of Ireland, they were oppressed by discriminating laws and intolerant

churchmen. After 1719 they came to America in immense swarms, settling first chiefly in western Pennsylvania, whence they spread south and west, following the valleys of the Blue Ridge, peopling the mountainous portions of the Virginias and Carolinas, Kentucky and Tennessee. They constituted the dominant majority of the population in the regions they occupied, and with their stiff-backed notions of church and state, they exercised a profound influence upon the politics and history of those states. Many representatives of this vigorous race moved westward with the drift that brought such numbers of southerners into Iowa.

Besides these English and Scotch elements there were representatives of the German immigrants that came into Pennsylvania and, like the Scotch, had made their way down the Appalachian ranges into the Virginias and Carolinas, whence they came west as the pioneers pushed the frontiers and gave them assurance of free homes and peaceful industry. There doubtless were, also, a few descendants of the Huguenots that came into Virginia and South Carolina after the edict of Nantes. In addition to all these there was a noteworthy infusion of Quakers, or Friends, that traced their progenitors back to Maryland and North Carolina.

From the nature of their origin and social status the bulk of these southern elements that came into Iowa had extremely conservative views of the proper functions of government. They had been reared under the county governments of the southern states that were representative in character and that for the most part dealt with their citizens at long range. But little more than the "individualistic minimum" of government was deemed necessary, namely, provisions merely for the enforcement of the laws for the protection of life, liberty and property, and the maintenance of the courts and the execution of their orders and decrees. With people with such traditions that was the best government that involved the least government and *a fortiori*, the least expense. Popular education, care of the insane and defective classes, were not

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matters of urgent public necessity; they should be attended to by private individuals who were immediately concerned. In general this was the attitude of the southern elements in political discussions in Iowa in the *ante bellum* period. It is unquestionably in the existence of such inherited notions of the functions of government that we may discover the explanation of the repeated but vain recommendations of Iowa's second territorial governor, John Chambers, respecting the promotion of schools in the townships, and his mortification in 1843 at seeing "how little interest the important subject of education excites among us." Here and there, of course, many of their prominent representatives broke with their traditions and urged greater governmental activity in the establishment of eleemosynary institutions and in the furtherance of the public schools. The tenets of Presbyterianism were favorable to schools and education, and we find the members of this faith later joining with New Englanders in promoting secondary and higher schools.

Meantime while these streams were flowing into the State from the southlands, there were beginning to come small streams from the northlands that were to have an immediate and marked effect upon the general currents of social and political life in Iowa. The first to come were chiefly from New England. They then began to start from New York and Pennsylvania, and then from northern Ohio and Indiana. Those from New England came mostly from the halls and precincts of Amherst, Andover, Bowdoin, Dartmouth, Harvard, and Yale. Many of them came as Home Missionaries to establish churches and schools, as "Father" Asa Turner and the celebrated "Iowa Band." They invaded the southeastern portions of the State, first founding an academy at Denmark, in Lee county, in 1843, and planning for a college that eventually materialized in Iowa College, at Davenport, but later removed to Grinnell; but they spread mostly through the central and northern counties. The later arrivals settled mostly in the latter portions of the State. It was

mainly of these people that Professor L. F. Parker remarked that "Iowa pioneers had a passion for education." It was these New England folks chiefly, and their descendants from New York, Ohio and Indiana, that were the promoters of the fifty academies, colleges and universities that were incorporated in Iowa between 1838 and 1850, and that gave Iowa the distinction of being the "Massachusetts of the west." Their incoming affected not only the course of the educational and religious history of the State, but it had the same pronounced effects upon the industrial and political history of the new commonwealth. These elements began to press for greater public expenditures for education, the discussion culminating in the work of Horace Mann and Amos Dean, in 1856. They began to agitate for the repeal of the constitutional restriction that prevented that establishment of banks of note issue, which resulted in the repeal in 1857 and the creation of the free banking system and the Iowa State Bank in 1858. It was these same elements that caused Iowa to take such a sturdy stand upon the subject of slavery, and that put James W. Grimes in the governor's chair. And later they overthrew the autocratic county judge system and substituted the supervisory system, patterned more or less after the system in vogue in New York.

The history of these struggles for supremacy of the various political elements in the early career of Iowa, the transfusion of political ideas and institutions in local and state life, with the infusion of new elements and new ideas that came after 1860 with the incoming of thousands of foreign born immigrants, most of whom spoke tongues other than English—all this forms a most interesting chapter in history and sociology. This transfusion has taken place under conditions unusually favorable for peaceful political life and prosperous industry; and if there is aught worth while in the narrative of the quiet progress of this western commonwealth the story must needs be not only picturesque and inspiring, but instructive.

2000-2001



*Yours Truly*  
*Warren S. Dungan*

HON WARREN S. DUNGAN.

State senator Ninth General Assembly; Lieutenant-Colonel Thirty-fourth Iowa Infantry, 1862-1865; member Iowa House of Representatives. Eighteenth and Nineteenth General Assemblies; State senator Twenty-second and Twenty-third General Assemblies; Lieutenant-Governor, 1894-1896. This portrait was engraved from a photograph taken on his 80th birthday.

## COUNTY HISTORICAL SOCIETIES.

BY COL. WARREN S. DUNGAN, CHARITON, IOWA,  
*President of the Lucas County Historical Society.*

On the 10th day of June, A. D. 1901, a County Historical Society was organized in Lucas county, with gratifying results thus far. This was the first county historical society organized in Iowa, and its success is being watched, with much interest, in all parts of the State.

What are the objects and benefits of such a society? Blot out the past history of the world and the midnight darkness which at once surrounds you gives a practical illustration of the value of the light of history. Whatever use the present makes of the light which history sheds upon its pathway measures the benefits of such a society.

We are all justly proud of Iowa. And for what? For what she has done and for what she is. The archives of the State contain much of the story of her splendid career. While much, very much, of what would have been of supreme interest to us now, and to those who will succeed us, has been lost forever because never written; it has passed away with the memories which alone contained it. The county society, becoming auxiliary to the State Historical Department, can garner up much that would otherwise go into oblivion. . . . The people of Iowa are justly proud of this department. It represents one of the highest achievements of her civilization. . . . No citizen of Iowa can go through and view the collections in this department to-day, without wondering at their extent, variety and great value, nor go away without increased pride in the State possessing so inestimable a treasure. Should not every citizen of Iowa take an interest in this great work and do what he can to advance the interests of this department?

I suggest one way by which this can be done: Organize a county historical society in each county in the State. We claim for Iowa the first place among our sister states for in-



telligence, as well as a leading place in many of our agricultural products and, indeed, for the habit of getting to the front almost everywhere, why not bend our energies to place our historical department to the front also?

To this end do not depend wholly upon the State organization, but have a society in every county in the State and gather the material for a full and generous exhibit of the part taken by your county in building up so grand a State.

The future has demands upon us. Surely one of these will be that we furnish it with a full and correct story of the present. The county society can meet these demands more fully than the State society, and some of these where that society must otherwise fail. The State society will contain but little of the biography of the so-called "common people," the people who made the State what it is, but it will be largely confined to the biography of those who held high official positions, and to those who have distinguished themselves by their achievements in the field of statesmanship, art and literature, in war and in peace; while the local society will furnish the State society with the biography of these, if any be found in the county, it will, in addition thereto, place in the county archives the lives of the men and women, who, by their toil and energy, and courage, made the county what it is—the people whose memories appeal most strongly to the pride and gratitude of their descendants and of their successors in the county.

While we all delight in the story of the lives of great statesmen and great heroes, do we not all take an equal interest and often a peculiar delight in the story of the lives of those united to us by "the mystic cords of memory"—of ancestors, of friends of our youth, of neighbors who shared with us the hardships and privations incident to the settlement of a new country; or of those who stood shoulder to shoulder with us on many a sanguinary battlefield, although their names are so obscure as never to receive favorable mention on the lists in the archives of the State.

Remember with what eagerness and persistency the descendants of our revolutionary ancestors, and those of colonial times, are to-day searching the records for evidence of their ancestor's loyal service to the cause of liberty, upon which to base their eligibility to membership in the patriotic civic societies of the present. Not only provincial, national and state archives are being examined for that purpose, but those of counties and townships, churches, tax lists, muster rolls, entries in Bibles and the engravings on tombstones, pictures and every scrap of writing or printing which may cast any light upon the subject of inquiry.

Is it practicable? Wherever you can find a few men and women with public spirit enough to take hold of this matter and conduct its affairs, there you will also find patriotic men and women who will be liberal enough to commence and continue the work to final success. In what county in Iowa can you not find more than a few of such intelligent and patriotic citizens who will devote a little of their time and means for the accomplishment of so noble an enterprise? Surely there is not one. The extent of the success achieved depends upon the zeal and financial ability of the members of each particular society. There is no necessity for a large outlay to begin and carry forward to success the affairs of the society. Better begin with limited means than not to begin at all. The interest will grow as the work progresses.

Had there been county historical societies in colonial and revolutionary times such as we propose, what infinite satisfaction would the perusal of their records afford their descendants at this time. The county society gathers up all that is attainable of the past history of the settlement and growth of the county, and of each part thereof, by those most interested and who alone know the facts, before they go into oblivion; and, in addition thereto, it gathers up and preserves in durable and accessible form the current history of the county and its people. From the county society can be selected all that would be of state-wide interest and contrib-

uted to the State Historical Department, and the residue, which will be the greater portion, may be kept for local reference and for the use of the future historian of the county.

As an example, take the society in Lucas county. We adopted a constitution and by-laws, and elected officers. We depend upon the membership fees, annual dues and voluntary donations for funds to conduct the society. The officers of the Chariton free library offered us room in the library for our collections free of charge. Miss Margaret W. Brown, the librarian, was chosen curator. No officer receives pay for services.

Our beginning has been small but the progress has been satisfactory. We have two other associations in this county, working along parallel lines with our society: The Old Settler's and the Veteran Association, both have, by resolution, become auxiliary to the county society, and donate to it all the material they accumulate of biography, history and all that pertains to the civil and military affairs of the county, past and present.

I conclude:

1. That an efficient county historical society can be conducted on a successful basis with a small outlay at the beginning.
2. That such a society in each county in the State would be of great service to the State Historical Department.
3. That it would be of peculiar and of very great advantage and interest to the citizens of the several counties.
4. That it would be of incalculable interest and value to the future historian of the county.

The county society, in its gleanings, need not be confined to that which relates alone to the county, but may include matters of state and national interest.

The periodical publication of a society's accumulated matter must be governed by the financial demands upon it.

Speed the day when a county historical society will exist in every county of our beloved Iowa!—*Bulletin of the Iowa Library Commission, Vol. 2, No. 4.*

## PIONEER PROTECTION FROM HORSE THIEVES.

BY JAMES E. PARKER.

At a meeting of the citizens of Douglas township, at the Red School House, Clay county, Iowa, on the 15th day of November, A. D. 1870, for the purpose of organizing a society for the mutual protection of its members from the depredations of horse thieves, the following business was done, to-wit: On motion Samuel Mills was chosen temporary president, and J. J. Duroe temporary secretary.

The above words quoted from the minutes of the society, as kept by its secretary, J. J. Duroe, illustrate the spirit with which the Sioux Rapids Vigilance Committee was formed. At this time the country about Sioux Rapids in the southern part of Clay and northern part of Buena Vista counties was sparsely settled. Communication was very slow, and it was seldom that the stolen property was ever recovered, and still less often that the thief was apprehended. The settlers who were, with but few exceptions, poor, could ill afford to bear the loss of a horse.

In the fall of 1870 several horses were stolen in the community, of which no trace could be found. The people were thoroughly aroused, and for their own protection, decided to take matters into their own hands. After discussing the question among themselves a call was issued for a meeting at the Red School House, November 15, 1870. J. J. Duroe and Samuel Mills were two of the prime leaders of this movement. At this meeting Samuel Mills was elected president of the society, David Watts, vice president, Peter Dubois, treasurer, and J. J. Duroe, secretary. A committee consisting of Samuel Mills, J. J. Duroe, and David Watts was chosen to draft a constitution and by-laws and report at the next meeting, after which the society adjourned.

On November 29th, at 6 p. m., the society met pursuant to adjournment, and the committee on by-laws made the following report, which was unanimously adopted:

WHEREAS, Several horses have been stolen in this vicinity; and, whereas, it is very difficult to reclaim the stolen property or to arrest the thief;

therefore we, the undersigned citizens of Clay and Buena Vista counties, do hereby agree to unite in a mutual society to protect ourselves from the depredations of horse thieves; and we do further agree to be governed by the following laws, with such amendments as may be hereafter made by the society.

**ARTICLE 1.** The officers of this society shall be a president, whose duty shall be to preside at the meetings of the society, call special meetings whenever he may think best, and give all orders for the reclaiming of any stolen horse or the capture of the thief. A vice president who shall perform the duties of the president whenever that officer shall be absent or unable to serve. A treasurer who shall hold, account for, and pay out on the order of the president, countersigned by the secretary, all the funds of the society. A secretary whose duty it shall be to record all the proceedings of the society and countersign the president's orders on the treasurer.

**ARTICLE 2.** The terms of each officer shall expire whenever the majority of the society shall require a change of officers.

**ARTICLE 3.** No person shall be admitted a member without first paying one dollar to the treasurer.

**ARTICLE 4.** Each member shall obey all orders of the president.

**ARTICLE 5.** It shall be the duty of every one, as ordered by the president, to go at any distance not exceeding fifty miles, at his own expense, in search of a stolen horse or to catch a thief.

**ARTICLE 6.** If any person shall go more than fifty miles in search of a stolen horse or to catch a thief he shall be allowed a reasonable compensation for his extra service.

**ARTICLE 7.** The officers shall be elected by the members of the society and shall be elected by the majority.

**ARTICLE 8.** It shall be the duty of each member to keep a written description of all his horses, and he shall deliver to the president as soon as any horse shall be stolen a minute description of such horse.

**ARTICLE 9.** The word horse shall be construed to mean horse, mule or ass.

**ARTICLE 10.** If the owner does not within ninety days receive his stolen horse the society shall pay him two-thirds of the value of his horse.

**ARTICLE 11.** The president shall appoint three disinterested persons to appraise the value of the lost horse, whose duty it shall be to report the true value of such horse to the society.

**ARTICLE 12.** The president shall not offer as reward for the recovery of any stolen horse and capture of any thief more than fifty dollars.

**ARTICLE 13.** The constitution may be amended at any regular meeting by a majority vote of the society.

**ARTICLE 14.** If a stolen horse is recovered at any time after ninety days it shall be the property of the society unless the owner shall within ten days after the recovery, pay to the treasurer all money he may have received from the society in accordance with Article 10.

**ARTICLE 15.** Any member refusing or neglecting to obey the orders of the president, or refusing or neglecting to pay the treasurer the amounts

that shall be assessed to him by the society, shall be expelled and not admitted thereafter.

ARTICLE 16. Annual meetings shall be held on the last Saturday of October of each year.

Those who signed their names to the by-laws as charter members were Samuel Mills, Ephriam Sands, J. P. Mills, W. J. Cinzier, Samuel M. Mills, David Watts, Peter Dubois, Jesse E. Mills, John Jones, Robert Jones, J. J. Duroe.

There being a large number living in Buena Vista county who wished to join, the next meeting was held at Sioux Rapids, November 5th, at which time the following were received as members: Abner Bell, T. G. Thomas, John Fancher, David Halkney, David Evens, W. R. Thomas, Gilbert, Halverson & Co., Thomas Evens, Francis Kidman, Stephen Dubois, John Watts, J. E. Francis.

At this meeting a rule was adopted that "every horse of this society shall be branded on the left shoulder with a figure 3."

As soon as the society was organized hundreds of handbills were printed and scattered broadcast over the country. On these bills were printed in large letters "*Horse Thieves, Beware!*" Then followed a short statement to the effect that a society had been organized with the avowed purpose of ridding the country of horse thieves, which was signed by the officers and members of the committee. The notices had the desired effect. The horse thieves took warning, and for several years not a single horse was stolen in the community. The society continued to hold meetings and publish notices from time to time to let every one know that it was in working order; but as the years went by and no horses were stolen, and the community became more settled, interest began to wane. No notices or bills had been published for some time when suddenly in the fall of 1879 two or three horses became missing, among the losers being O. G. Tabor who never discovered a trace of his lost property.

Immediately all was excitement again. In response to a

call from the president a meeting was held at the post office in Sioux Rapids, October 4, 1879, at one o'clock p. m. G. W. Struble was elected vice president, and John Halverson, treasurer, to fill vacancies. David Tillet, O. G. Tabor, G. W. Struble, and Knudt Stennison were admitted as members; and for the benefit of those who wished to join before the next meeting, "The treasurer was instructed to receive members into the society on their payment to him of the required admission fee of one dollar; provided persons so admitted shall be subject to a majority vote of the society for confirmation or rejection." A motion was carried that the society be known and called the "Sioux Rapids Vigilance Committee," with its headquarters located at G. W. Struble's hotel at Sioux Rapids. A hundred handbills were ordered printed and the country again posted with notices.

At the next meeting J. M. Hoskins, Chas. Cuthbert and S. Olney, Sr., were received into membership.

These were the last members admitted to the society, and although its organization was kept up for some time afterward, its history as an active force may well be said to have ended with the winter of 1879-80. The object for which it had been organized had been accomplished. During its whole history not one of its members lost a horse, nor was it ever called upon to bring a thief to justice. And what justice the captured thief would have been brought to is well expressed by the words of one of its members: "We never had occasion to hunt down a thief after we organized, but if we had captured one we all knew what would have happened to him. He would never have stolen another horse!"

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THE Michigan Constitutional Convention have adopted a clause extending the elective franchise to Indians and their descendants and have adopted a resolution extending to the people, as a separate proposition, the question of extending the same to the African population.—*Western Democrat, Andrew, Iowa, Sept. 6, 1850.*

## CONFISCATIONS DURING AND AFTER THE CIVIL WAR.\*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
WASHINGTON, February 18, 1902.

*Hon. Charles C. Nott, Chief Justice of the Court of Claims,  
Washington, D. C.*

SIR: I have the honor to acknowledge the receipt of your letter of the 12th inst., in which you state that a friend in England makes inquiry "whether confiscations were made after the civil war; and, if so, to what extent."

While the inquiry is limited to what was done after the close of the war, it may interest your correspondent to know what policy was pursued by the government during the war.

By the act of congress, approved March 12, 1863, the secretary of the treasury was authorized to appoint special agents to collect captured and abandoned property in the states in insurrection. The Southern Confederacy had agents in all the cotton states, buying cotton and paying for it in Confederate bonds or currency. The cotton so purchased by the Confederate agents comprised almost the only property "captured" by the United States treasury agents during the war. If a mistake was made by these treasury agents in taking possession of property wrongfully, the secretary of the treasury, upon appeal, released the property; or, if it had been sold, the proceeds. Under the above act, the treasury agents took possession of abandoned plantations, but they were all returned to their owners, some during the war, others afterward, and no proceedings to confiscate this property were instituted. If such had been the policy and action of the government, the real estate of such a distinguished Confederate as John Slidell, minister to France, whose property was in the possession of the treasury agents during the war, would have been among the first to be confiscated. The liberal terms granted to General Lee, when he

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\*This letter appeared in *The London Times*, April 4, 1902.



surrendered to General Grant, are part of the history of this country, and need not be repeated here.

The rebellion had not been suppressed in all parts of the south when, on the 29th of May, 1865, the president of the United States issued a proclamation, granting "to all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except to slaves." No "political conditions were laid down." There were excepted cases in the proclamation, but the parties were afterward pardoned, either by the president or by acts of congress.

It is true in some cases private property was taken and used by the Union armies, without compensation at the time, but congress, by the act of March 3, 1871, provided a commission to adjudicate these claims.

You are aware that the act of March 3, 1863, which provided for the appointment of special agents to collect captured and abandoned property, provided also that "any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the court of claims."

Thus, during the war and until August 20, 1868, (the rebellion was officially declared suppressed August 20, 1866), your honorable court had jurisdiction of all claims for captured and abandoned property. The records of your court will show that judgments were entered for large sums in favor of persons who had been active and prominent in the rebellion.

A large amount of cotton was seized by the treasury agents after the rebellion had collapsed but had not been entirely suppressed.

The right to file claims in the court of claims having ceased August 20, 1868, congress provided another remedy for those who claimed that cotton had been wrongfully seized,

and passed the act of May 18, 1872, which provided that the secretary of the treasury should return the proceeds derived from the sale of cotton illegally seized after June 30, 1865. A large number of claims were filed under this act, but in nearly all cases it was found that the claimants had sold the cotton to the Confederacy, and it was, therefore, Confederate cotton when it was seized.

In reply to the specific inquiry of your correspondent I will state that confiscation through the courts, as nearly as can be ascertained, amounted to less than \$200,000.

You state that my reply will not be made public without my consent. As the facts above stated are public history you are at liberty to use this reply as you may deem proper.

Respectfully,

L. M. SHAW, *Secretary.*

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DAVENPORT.—We had the pleasure, two weeks ago, of visiting this, one of the most flourishing towns in Iowa. No one, we will venture to say, has visited it without being highly pleased with the beauty of location, its cleanliness, its evident prosperity, and the energy and enterprise of its inhabitants. Indeed, the beauty of its location can hardly be surpassed on the river. The town, built on a natural levee, running from the water's edge to the bluffs, presents an unequalled landing the whole length. The bluffs rising behind the town, crowned by the fine building of the Iowa college, and some beautiful residences, Rock Island a little above on which is Fort Armstrong, Stephenson, or Rock Island City, opposite in Illinois, the islands below, with the majestic Mississippi to fill up the picture, present a view unequalled. Davenport has a large number of fine buildings, among which are the court house, college, and several churches. She also has considerable machinery in operation.—*Western Democrat, Andrew, Iowa, June 21, 1850.*

# ANNALS OF IOWA.

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## EDITORIAL DEPARTMENT.

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### SLAVES IN IOWA.

The echoes of what was termed in the old days, "the peculiar institution of the south," have well nigh died out; but in a folio volume entitled "Compendium of the Enumeration of the Inhabitants and Statistics of the United States, as obtained at the Department of State, from the Returns of the Sixth Census (1840) by Counties and Principal Towns," we find a brief and very interesting record. This volume was published by the government at Washington, D. C., in 1841. From this we learn that sixteen slaves, old and young, were owned by parties in Dubuque county. Whether the owners were permanent residents, or temporary sojourners, we have been unable to ascertain. But the fact is thus officially published in the Sixth U. S. Census, that slavery existed in Iowa territory.

In early times slaves who had escaped from their masters in the south were also in the habit of passing through the territory or State en route for Canada. As a very natural consequence several fugitive slave cases of more or less importance arose within our boundaries, the most of which have long been forgotten. Recently, however, the Historical Department came into possession of a 40-page pamphlet which contains quite a full report of one of these cases. We copy this report in full in the present number of **THE ANNALS**. It was made by George Frazee, a member of the bar, who still (January, 1903) lives in the city of Burlington. In justice to Mr. Frazee it should be stated that the original notes in this case were taken solely for private use, but upon the solicitation of the counsel engaged, as well as others, he consented to their publication. He wrote an ac-

count of another fugitive slave case in which he figured as "the court," which was published in this series of *THE ANNALS* (Vol. IV, pp. 118-137). As stated at the close of the trial judgment was rendered against the defendants for the sum of \$2900. The latter filed a motion for a new trial, and also took the preliminary steps to appeal the case to the Supreme Court of the United States, by writ of error. But it never reached the Supreme Court. Why it did not we are unable to state. It transpired, however, that prior to the trial the defendants had put their property out of their hands, thus rendering the judgment worthless. In Yankee parlance, every preparation was made to "beat 'em on the execution." Such would have been the inevitable result had an execution been issued.

While there were other trials in Iowa for the recovery of fugitive slaves, we cannot learn that they were productive of any benefit to those who sought to recover either their "property," or compensation for its loss.

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#### AN APPOINTMENT RECOMMENDED.

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The original copy of the petition which we print below was sent to *THE ANNALS* a short time since. We are glad to give it a place in these pages. It is quite remarkable in many respects. It would seem to be a non-partisan document, for it bears the signatures of both Whigs—not Republicans—and Democrats. It is a high testimonial to the rare fitness of Joseph Williams for governor of Iowa territory. The justice of its statements will be attested by the few pioneers who have come down to the present time. The writer has often in past years heard from the lips of his contemporaries the highest compliments to the character of that good man. He was at the time of this petition one of the associate justices of the supreme court of the territory, to which office he was appointed in 1838, though no allusion is made to this fact in the petition. He was not appointed to the

territorial governorship, but served another year as associate justice. In June, 1847, he was appointed by Governor Ansel Briggs, chief justice of the State, upon the retirement of Charles Mason. He held this appointment until 1848, when his term expired by constitutional limitation. In December of the latter year he was elected by the general assembly chief justice for the regular term of six years. He was succeeded by Judge George G. Wright, Jan. 11, 1855.

This petition bears the signatures of several men who later on rose to high positions in the State or nation. James W. Grimes, Stephen Hempstead and Ralph P. Lowe were elected governors of the State, Lowe going upon the supreme bench later on. Grimes became United States senator in 1858. W. G. Woodward, J. F. Kinney, S. C. Hastings, J. C. Hall and T. S. Wilson were chosen to the supreme bench, Hastings becoming chief justice. Augustus Hall served as representative in the 34th congress. B. S. Roberts, a West Point graduate, rose to the rank of major-general during the civil war, having also made a brilliant record in the Mexican war. The State of Iowa gave him a sword of honor, the only instance of the kind in our history. David Rorer, I. M. Preston and Stephen Whicher became lawyers of State-wide reputation. Judge Rorer was a voluminous law writer, one of the leading western legal authorities of his time. His great work on "Judicial Sales" is still an authority in our courts. T. S. Parvin, who died June 28, 1901, was probably the last survivor of these petitioners.

This petition makes a powerful appeal for the selection of Judge Williams, urging also that such appointments should be made from citizens of the territory rather than from residents of other regions. It is an interesting and readable document in itself, even at this late day, and also because of the historic signatures attached:

IOWA CITY, SUPREME COURT, Jan. 8th, 1845.

TO HIS EXCELLENCY JAMES K. POLK:

The undersigned members of the bar of the Supreme Court now in session in this Territory, and others, citizens of said Territory, would respectfully

represent to your Excellency, that our population is now approximating to 100,000 inhabitants, that we have in our midst gentlemen who have long resided in the Territory, been intimately connected with the administration of our laws, and familiar with the internal affairs of our Territory, and under whose auspices as executive officers the public service would be promoted. In view of this the undersigned would very much deprecate the appointment of an executive officer, in this Territory who has not heretofore resided among us—it would jeopard the public interest here, whilst it would cast an unmerited reflection upon the qualifications of our own citizens for that office. Supposing that your Excellency will feel it his duty to assign us a new executive officer we have united in recommending our fellow-citizen the Hon. JOSEPH WILLIAMS, who has long been highly and favorably known to the people of this Territory as an individual every way eminently qualified for the post of Governor in this Territory, and whose appointment in our opinion will be highly acceptable to a very large proportion of the people.

If your Excellency will arrest the practice of thrusting upon us strangers and non-residents as our officers, we feel safe in the assertion that you will secure the lasting gratitude of ninety-nine hundredths of all the people in this Territory.

Yours, etc.,

W. G. WOODWARD.  
JAS. W. GRIMES.  
CHARLES MATTOON.  
I. M. PRESTON.  
J. F. KINNEY.  
STEPH. WHICHER.  
CURTIS BATES.  
B. S. ROBERTS.  
DAVID ROBER.  
S. HEMPSTEAD.  
A. McAULEY.  
R. P. LOWE.

S. C. HASTINGS.  
J. C. HALL.  
ISAAC V. LEFFLER.  
JAMES CRAWFORD.  
T. S. WILSON.  
WM. THOMPSON.  
JAMES P. CARLETON.  
JOHN DAVID.  
A. HALL.  
T. S. PARVIN.  
ISAAC C. DAY.

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## THE IOWA JOURNAL OF HISTORY AND POLITICS.

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We briefly mentioned this publication in our last number as about to be launched in the place of *The Historical Record*, at Iowa City. Its first issue appeared early in January. It is an admirably edited and exceedingly well printed magazine of 136 pages, which appears under the auspices of the Iowa State Historical Society. It will be devoted rather to studies and discussions of history and historical literature

than to the storing up of the materials of history. This first issue presents the following table of contents: "Joliet and Marquette in Iowa," by Laenas Gifford Weld; "The Political Value of State Constitutional History," by Francis Newton Thorpe; "Historico-Anthropological Possibilities in Iowa," by Duren J. H. Ward; "A General Survey of the Literature of Iowa History," by Johnson Brigham. Reviews of various historical publications, "Notes and Comments," make up the remaining contents of the first number. This journal gives promise of long life and usefulness. It is under the editorial management of Prof. B. F. Shambaugh, whose writings and labors in the expanding field of Iowa history are well known throughout the country, and a sufficient guaranty of the permanence of this new candidate for the public favor. We welcome it to its field of usefulness with all good wishes for its long life and success. It is published quarterly at two dollars per year. Address the State Historical Society of Iowa, Iowa City, Iowa.

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### IS IOWA'S HISTORY WORTH WHILE?

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One frequently observes in the writings of Iowa's chroniclers an underlying assumption—perhaps one should say presumption—that the history of our State is not especially worth while. This assumption is obvious in the general acquiescence in the notion commonly expressed in conversation that the history of Iowa is not particularly interesting or instructive, that our customs, laws and institutions are neither distinctive nor noteworthy, that our life and scenery are lacking in picturesqueness. In brief, "prosaic" and "matter-of-fact" are the descriptive terms usually applied to our people and to the history of our State.

All Iowans, of course, declare with vehemence that Iowa is a magnificent State, that her citizens thrive wonderfully in industry, and her statesmen have played prominent roles in national affairs. But despite all this there is a willingness



to admit that in the large and vital things that make a people great and their history interesting and worth study, we do not find much worth while in the chronicles of this western commonwealth. Not long since when a young *literateur*, after a few days sojourn among us, held our life and institutions up to the mirror in *The Atlantic*, and in descanting upon the reflections, unburdened himself of divers facetious lamentations over the vastness of the commonplace among us and the immeasurable dullness and mediocrity of our society, there was no denial, rather a resigned sort of acceptance of his verdict with some grimaces and shrugging of shoulders.

Now the correctness of this assumption depends upon the things in which we are interested and from which we seek instruction. We must first determine our point of view.

If we seek and must have striking contrasts in local scenery, in social and economic conditions and institutions, we must admit that Iowa's history cannot furnish much that is strikingly picturesque or romantic. The State has no vast stretches of forests or wild and rugged mountainous regions that caused our early institutions to develop in peculiar directions. We cannot, as a result, lay claim to large districts inhabited by hordes of densely ignorant, superstitious, shiftless people, such as the Georgia "Crackers" or the Kentucky "Moonshiners." We have no large cities of ancient renown. The tales of our pioneers seldom mention Indian troubles or border wars of any description. We can boast of few, if any, hoary traditions or fantastic folk-lore that make our children shiver as the stories are told about the firesides. Our early history had but little of the rough and boisterous that has characterized the life of the plains and the mining camps of the Rockies. We have had no civil dissensions that have shaken the foundations of the state and wrenched and warped our institutions. In short he who must needs have heroics and great panoramic scenes, who craves accounts of bloodshed, wars and "seismic convulsions," to use a phrase of an Iowa editor, will find but little to hold his attention.

## ANNALS OF IOWA.

spectacular, the war-like, the lurid, the myste-  
 rious are not the only things in history. there  
 is a story while in the story of this common-  
 wealth. Peoples of many lands have happily com-  
 bined. Industries have continuously flour-  
 ished. Peaceful, thrifty and intelligent, where  
 industry is generally efficient, economical, and  
 the literacy is rarely found and education  
 is practically universal.  
 We should judge ourselves and our past if we con-  
 sider the thought picturesque or dramatic and in-  
 teresting. In scores of villages and towns  
 as Mrs. Gaskell or a George Eliot could  
 find present customs, eccentricities in conduct,  
 for studies of local life such as "Cran-  
 ford." The writer knows two communi-  
 ties where Miss Wilkins could find inexhaustible  
 material of homely life and character; "situa-  
 tions, problems in heredity, social and religious  
 and tragedy, abound on all sides. To the  
 student who studies our towns and vil-  
 lages of a flying Pullman, or while he  
 is during the twenty minutes stop for din-  
 ner, it will be something intolerably dull, flat and  
 dead. The pulses of life in our villages, while  
 they do not thrill as in the cities and great centers  
 are strong and true; and life may be  
 as profitable here as in Massachusetts or  
 Iowa. Materials simply await the artist's  
 revealing hand.  
 This who knows the history of Icaria,  
 considers and the pathos of their failure;  
 that remarkable communistic com-  
 munity. In the quaint and picturesque life  
 and his heart's delight. Among the  
 communities, especially in Cedar county,

and in the old convent schools here and there in Catholic communities in the older cities of eastern Iowa one may find life and character most interesting. In the traditions of Keosauqua, Keokuk, Fort Madison, Burlington, Muscatine (Bloomington), Davenport and Dubuque, and others that might be mentioned, the student of life and customs may find much of surpassing interest and instruction.

One needs but to talk with our pioneers concerning early days in Iowa, read their reminiscences in *THE ANNALS* and *The Historical Record*, in their letters and occasional memoirs, to realize the wealth of material for fascinating history of the life of a people in one of the favored spots of the continent. Mr. Hamlin Garland's "Boy Life on the Prairies," which so vividly portrays beginnings in our northern farming counties, is an earnest of what picturesque history will some day be written when a Parkman, Fiske, or Eggleston is reared among us and relates the life of the early settlers. The story of the growth of our laws and the institutions of society and of government has as yet been but meagerly told. Our students and scholars have only begun to collect the data.

F. I. H.

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#### AS TO ERRATA.

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It was the intention of the editor of *THE ANNALS* to present in our last number corrections of various errors in names, dates, etc., which had occurred in the five volumes of the current series. Something was done by way of compiling and correcting these errors, but it was found to be impracticable to carry out the plan in time for that issue. We hope it may be fully accomplished hereafter. While the utmost care is taken in verifying statements and dates in every article, it seems to be an unwelcome but accepted fact, that mistakes will occur, through haste, inadvertence, or by accident. Proofs are sent long distances to authors, but even they often fail to see everything that is printed amiss. Sometimes a pro-

voking error escapes notice even though proofs and revises are read a dozen times by several individuals. This seems to be "the common fate of all," from which few writers or editors escape. The only way out of the difficulty is to make notes of the errors and correct them as soon as practicable in an errata.

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### NEW PUBLICATIONS.

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*The Conquest, the True Story of Lewis and Clark, by Eva Emery Dye; Chicago, McClurg & Co., pp. 443.*

The gifted author of "McLoughlin and Old Oregon," (*ANNALS*, iv, 624) has produced another book of exceeding historical interest. Here are rapid and vigorous sketches of the march of civilization across the continent from Virginia to the Pacific, with a vivid characterization of the leaders in the march, and of their associates and helpers, and startling incidents by the way. No other author has given in similar compass such a clear, graphic, and succinct account of the great movement, traced so distinctly the connection with it of Washington, Jefferson, George Rogers Clark, Daniel Boone, and other notable persons, or told so well the story of the various tribes of Indians who were encountered in the conquest.

The book is a marvel of literary enterprise and industry. It has come from patient delving into original sources, and glows with devotion to American history. Romantic incidents of family and social life are treated with delicacy and skill, and plain people and the black man have recognition and honor. Covering the continent and many events, the book marches on with unflagging step to the end. The march is rapid, and the transitions from scene to scene and from place to place are sometimes so quick, as almost to take the reader's breath, but attention is only necessary in order to see the connection of events and keep the thread of the story. There is no padding with verbiage, but every page is instinct with life and forward movement.

Iowa has a peculiar interest in the story of Lewis and Clark. They were the first Americans, after the Louisiana Purchase, to see our western border, and they spent more than a month upon it. There occurred the only tragic event during the whole expedition, in the sudden death of Sergeant Charles Floyd, which is recorded with tender pathos in this volume. Lewis was governor of Louisiana territory, 1807-9, and Clark in 1810-12, when that territory covered Iowa; and Clark was governor of Missouri territory when that territory covered Iowa. Each during his term of office was commissioner of Indian affairs, and Clark served in the same capacity later. Both were men of high character, humane and just in their treatment of the Indians, intent upon keeping warring tribes at peace with each other, and with the United States, and in promoting their welfare. The

volume pays a worthy tribute to both. The death of Lewis remains a clouded mystery. Clark lived to venerable age, his days crowned with honor and public service. He negotiated treaties with the Sacs and Foxes and with the Iowas in 1824, and the famous treaties of Prairie du Chien with those and other tribes in 1825 and 1830.

Mrs. Dye brings a fresh chaplet to the memory of George Rogers Clark in the story of that sturdy soldier's love affair with Donna Leyda, sister of the Spanish governor of St. Louis, in 1780, her retreat to a convent in New Orleans as Sister Infelice, her pang of sorrow at not finding him among the troops that came to that city when the Americans took possession of it (Dec. 1803), and her going to Havana. A few other affairs of the heart turn out better, and are deftly handled.

If the reader is not bewildered with the story of the conquest of this continent, the enthusiastic author reminds him of the impending conquest of the poles and of the tropics, where the frontiersman is now building Nome City in the Arctics, and hewing the forests of the Philippines.

A statement on p. 299 that "Pierre Chouteau the younger helped to start Dubuque and open the lead mine," requires correction. The facts are that Dubuque opened the mine in 1788, and sold lead to Auguste Chouteau, and fell in debt to him for merchandise. (ANNALS, v. 322-4, iii. 649-650.)

W. S.

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*Cram's Modern Atlas of the World. Indexed. A complete series of Maps of Modern Geography, Exhibiting the World and its various Political Divisions as they are to-day. A carefully prepared description of every State and Country. By George F. Cram, assisted by Dr. Eugene Murray-Aaron. Fully Illustrated by Diagrams and Charts, and over 600 half-tone views of the world's choicest scenery. Published by George F. Cram, New York and Chicago.*

The comprehensiveness and unsurpassed usefulness of Mr. Cram's geographical publications is well-known throughout the country, and especially here in the middle west. This new edition of his great atlas has been revised and rewritten in the light of the latest geographical and historical research, and greatly enlarged by numerous additional maps and illustrative materials. It comprises an encyclopedia as well as a collection of maps. It contains extensive information respecting the history, government, political parties, industries and commerce, social and religious conditions and institutions, of all of the leading states and the principal cities. Our new insular possessions and our neighbors like Canada and Mexico and the South American states, are given considerable space because of the recent increase in our relations and interest in their economic and political welfare. One feature of special value is the maps of many of our large cities, with the parks and city railways clearly marked. While the atlas is necessarily bulky, containing such masses of information, it may be readily utilized by reason of the indexes and explanatory helps and guides.



## NOTABLE DEATHS.

WILLIAM WALLACE JUNKIN was born at Wheeling, Va., Jan. 26, 1831; he died at Fairfield, Iowa, Feb. 19, 1903. His parents resided at Wheeling until he was 13 years of age, when they removed to Iowa. The journey was made by the Ohio and Mississippi rivers, and the family was compelled, by the closing of navigation, to spend the winter in St. Louis. The father first located in Louisa county, but later on removed to the vicinity of the old Mormon town of Augusta, in Lee county, and in 1845 to Jefferson county. He opened a farm three miles south of Fairfield, where the subject of this notice remained some years contributing his share of labor toward the making of a home. "He well remembered when there was not money enough in the community to pay the postage on a letter; when dressed pork sold at \$1 a hundred; and when he, with other boys, broke a basket of eggs by throwing them at a mark in the park in Fairfield, because they could not sell them at two and a half cents a dozen, after carrying them from the farm." He had partly learned his trade as a printer in Wheeling, and found employment for a time in St. Louis. In 1847 he was employed by Mr. A. R. Sparks, who had established *The Iowa Sentinel*, the first newspaper published in Jefferson county. He afterwards came to Des Moines and secured a position in *The Star* office, then owned by Hon. Barlow Granger, who "still lives." This was the first paper published at the capital city—June, 1848. The next year he was employed in the office of *The Ottumwa Courier*, returning to Fairfield in 1849, where he was employed in the office of *The Ledger*, which had just been started. In 1851 he went to Richmond, Va., where he worked two years in the State Printing Office. Coming back to Iowa in 1853, he acquired a half interest in *The Fairfield Ledger*, which was then published by Hon. A. R. Fulton, a well known Iowa newspaper man and historical writer. Mr. Fulton retired the next year, when Mr. Junkin became the sole proprietor. In 1868 Ralph Robinson, now of *The Newton Journal*, purchased a half interest, which he retained until 1875. In 1878, Charles M. Junkin, his eldest son, became his business partner and associate editor of *The Ledger*, this arrangement continuing till his death. "He was without doubt the dean of Iowa journalism, having owned and edited *The Fairfield Ledger* nearly fifty years." During all this time *The Ledger* was one of the foremost Iowa weeklies, and wielded a powerful influence in the politics of this State. Mr. Junkin was a life-long friend and associate of James F. Wilson, and aided powerfully in the establishment of the Fairfield Public Library, which is one of the oldest institutions of the kind in Iowa. He was himself a collector, and a large contributor to the museum and general resources of that institution. His life was long and useful, and his recollections of men and events in our State were well worthy of preservation. The editor of THE ANNALS had urged him to write them out for these pages, and we understand that he had commenced the work, but so late in life that he was unable to complete it. His life was full of good works, and his death has occasioned wide regret.

J. K. P. THOMPSON was born near Carey, O., Aug. 21, 1845; he died at Rock Rapids, Iowa, Jan. 15, 1903. Though starting in a primitive log school house in Ohio, and studying much of the time at home, Mr. Thompson became a well educated man. His father's family had settled in the woods in his native state, where the roads were simply paths "blazed" through the forest, and pioneer conditions prevailed everywhere. In November, 1857, the family removed to Iowa in a covered wagon, traveling through forests and over unbroken prairies, fording rivers and enduring hardships, the trip occupying nearly forty days. They settled in Clayton county, then upon the extreme frontier, remaining upon their farm some

twelve years. Aug. 18, 1862, young Thompson enlisted as a musician in Co. D, 21st Iowa volunteers (Gov. Samuel Merrill's regiment), in which he served three years. He was severely wounded at Vicksburg, May 22, 1863, and during that siege was under fire for forty days and nights. Altogether he participated in seven battles, besides skirmishes and minor engagements. After the war he studied law with Woodward & Preston at Elkhart, Iowa. He was admitted to the bar in 1873, in which year he removed to Rock Rapids, where he began a very prosperous business career. He opened the first law office in Lyon county, building up a large practice, and gaining a reputation as an able lawyer. In 1877 he organized the Lyon County Bank, which has always been a successful institution. Col. Thompson was an untiring worker in behalf of whatever engaged his attention. Public spirited, patriotic, and earnest in the support of everything which he believed would advance the interest of his town, county or State. He was an influential member of the G. A. R., a charter member and past commander of Dunlap Post, No. 147, which he caused to be named in honor of the lieutenant-colonel of his regiment who was killed at Vicksburg. He became commander of the G. A. R., Department of Iowa, in 1895, and also had the honor to be appointed lieutenant-colonel on the staffs of Governors Larrabee and Jackson. Governor Drake promoted him to the rank of colonel. He was one of the chief promoters of the Vicksburg National Military Park, and chairman of the committee to locate the positions of the various Iowa regiments during the siege. He held prominent positions in the Masonic order, Knights of Pythias, and the Bankers and Bar associations. He was also a life trustee of Iowa College at Grinnell, and a trustee of the Congregational Church at Rock Rapids. During the last two years Col. Thompson's health had been gradually declining. He had made two or three trips to California in the hope that a change of climate might overcome the disease which was rapidly sapping his strength, but received no permanent benefit. In his death northwestern Iowa lost one of its most prominent and useful citizens. His portrait and an elaborate article from his pen may be found in No. 4, Vol. 5, of this series of THE ANNALS.

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WILLIAM PENN CLARK was born Oct. 1, 1817, in Baltimore, Md.; he died at Washington, D. C., Feb. 7, 1903. When about ten years of age he went to Gettysburg to learn the printing business with Robert G. Harper, who published *The Adams Sentinel*. After serving an apprenticeship of three years he went to Washington where he worked at his trade until the spring of 1838, when he started for the west. He crossed the Alleghenies on foot, reaching Pittsburg, where he worked a short time, when he passed on to Wheeling, Va. From that point he descended the Ohio river in a skiff, reaching Cincinnati on his 21st birthday. Here he entered into a partnership and started a small two-cent daily paper. Later on he joined an expedition to go to Galveston for the purpose of establishing a paper, but the party got stranded at New Orleans, whence he worked his way back to Cincinnati, resuming his old position on *The Daily News*. Like many other printers of those days he was connected with various papers, but in 1844 came to Iowa, settling at Iowa City. He was admitted to the bar the following year, and opened a law office. He was an active politician from that time until he left the State. He was so pronounced an abolitionist that "he ran the underground railroad and aided John Brown." He served as reporter of the supreme court of this State for five years, and his reports are probably his best and most permanent work. He was appointed paymaster in the army in 1863, serving until 1866, during which time he disbursed over \$3,000,000 to the soldiers. Removing to Washington soon afterwards he was appointed chief clerk of the Interior Department, serving until he was removed by President Andrew Johnson. He afterwards had considerable practice in the supreme court and court of claims. While



he was a resident of Iowa he was frequently mentioned in connection with the positions of governor and United States senator, and was an influential factor in State politics. He collected a large library and many fine paintings, which he intended to donate to this State.

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HENRY WARREN LATHROP was born in Hawley, Mass., Oct. 28, 1819; he died in Sioux Falls, S. D., Dec. 27, 1902. He was descended from Rev. John Lathrop, who came from England in 1634, landing at Plymouth. He first settled in Scituate, and afterwards removed to Barnstable. He had been educated at Queens college, England, becoming a preacher of the Established Church, from which he seceded and joined the Independents. He sometimes preached on the streets of London, for which he was arrested and imprisoned under Charles I. He remained in prison two years, when his wife was taken with a fatal illness, and soon died. He was permitted to see her, and after her death was given the alternative of returning to prison or leaving the kingdom. He chose the latter course and came to America. In the year 1821 the Lathrop family removed to Augusta, N. Y., where Henry W. was educated and grew to manhood. He spent a year in a classical school near Boston, after which he studied law and was admitted to the bar in Iowa City, in 1847. He afterwards resided near or in Iowa City until about a year ago, when he removed to South Dakota, to take up his residence with his daughter, his wife having died some years previously. Mr. Lathrop spent many years on his beautiful farm on the west bank of the Iowa river, opposite Iowa City. He was one of the official reporters of the Constitutional Convention of 1857, and had done a great deal of reporting in the legislature, and much editorial work aside from writing correspondence for leading newspapers in Chicago and Des Moines. He also contributed many articles to *The Iowa Historical Record*, and to the old *ANNALS OF IOWA*. His chief work, however, was a "Life of Governor Kirkwood," which has found its way into many of the libraries of this State. Mr. Lathrop was deeply interested in Iowa history, to which he made valuable contributions. He was one of the most useful and distinguished members of the Iowa Horticultural Society, and the first treasurer of the State University, which office he held for seven years. His life was one of marked usefulness.

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FRANCIS EMERSON JUDD was born at Stansted, near Lake Memphremagog, Canada, April 19, 1827; he died in Portland, Oregon, Feb. 25, 1902. In his boyhood he attended Bishop Hopkins' school at Burlington, Vermont. He early chose the ministry of the Church of England as his profession, and was carefully educated therefor. He received the degree of M. A. from the University of Vermont in 1851; the same degree from Bishop's College, Lenoxville, P. Q., in 1855; and that of D. D. from Griswold College, Iowa, later. He was ordained deacon by the Bishop of Quebec in 1850, and priest by the Bishop of Montreal in 1852. His first parish and school were at St. Johns, Canada. Failing health compelled him to seek a change of climate, and he came to Iowa in 1856. His first charge in this State was at St. Michaels, Mt. Pleasant, where he began work in September, 1857. He was subsequently rector of Trinity Church, Davenport; principal of the Bishop Lee Seminary for young ladies at Dubuque; professor at Griswold College, Davenport; rector of Trinity Church, Iowa City; general missionary for the State; rector of St. Mark's Church, Brooklyn, and of St. Paul's Church, Marshalltown. His active work in Iowa extended over a period of more than forty years. Again failing health compelled him to seek a milder climate, and in the autumn of 1899 he went to Portland, Oregon. At the time of his death he was chaplain of the Bishop Scott Academy for boys, and of the Good Samaritan Hospital of that place. Many affectionate tributes were paid to his memory.

JOSEPH SHEPARD was born in Cattaraugus county, N. Y., about the year 1829; he died in Chicago, Jan. 25, 1903. He was brought up on the home farm in his native county, until he was sixteen years old, when he entered the printing office of *The Cattaraugus Freeman*, at Ellicottville. He continued some years working as a printer, becoming distinguished for the rapidity with which he worked the old hand presses. He was well known to the printing fraternity in Cattaraugus and Chautauqua counties, N. Y., and Erie county, Pa., as one of the fastest pressmen of his time. He left this business, however, and began at the foot of the ladder in the employ of the United States Express Company. In this department of labor he also excelled, rising rapidly, until he became the assistant general manager of the western department, with headquarters in Chicago. During the period of the civil war he spent a large portion of his time in Iowa, becoming well and widely known. Among other incidents connected with this period, he hurriedly transferred the guns from Eddyville to Council Bluffs for the purpose of arming Gen. Dodge's 4th Iowa Infantry. (See pp. 88, 92, 228-9, Vol. 5, ANNALS OF IOWA.) His course through life was marked by absolute fidelity to his employers, honesty that was never questioned, and rare business capacity. He was a genial, excellent gentleman, and an abiding friend, wherever his friendship was bestowed. He never forgot his old-time fellow apprentices in the country printing office, nor the men who grew up under him in the express business. His funeral was largely attended, especially by expressmen from New York to Omaha.

ROBERT MILLER HAINES was born near Salem, Ohio, Dec. 29, 1838; he died at Grinnell, Iowa, Dec. 22, 1902. He came to this State in 1857, and located at Iowa Falls, where he engaged in the profession of teaching. In 1860 he entered Iowa College at Grinnell, where by his own efforts he worked his way through the academy and college and graduated with high honors in 1865. He was in the first class that the college sent out after its removal from Davenport to Grinnell. In 1867 he was chosen to a position in the academy of Iowa College which he filled for four years. He entered the law department of the Iowa State University in the autumn of 1869. After some time spent in studying his profession he was admitted to the bar, although he did not receive the degree of LL. B. from the university until 1874. He entered into a partnership with Hon. J. P. Lyman, which continued without interruption for thirty-one and one-half years, until the death of Mr. Haines. He was elected State senator and served in the sessions of 1880 and 1882 with high distinction. He was a trustee of Iowa College for twenty-five years. He was active in politics during many years, and became widely known for his independence in his convictions upon public questions, more particularly the tariff. In all matters that pertained to the interests of Grinnell where public spirit and wise counsel were needed, he was especially active and energetic. He was often a delegate to the State Association of Congregational Churches, of which he was an influential member. He had been a member of the State Bar Association for several years, and at the time of his death was its president.

JOHN N. W. RUMPLE was born near Fostoria, O., March 4, 1841; he died at St. Luke's hospital, Chicago, Jan. 31, 1903. He was educated in the public schools and Ashland academy in his native state but after coming to Iowa, he attended Western College at Toledo, and the normal department of the State University, at Iowa City. While still a student in the university, in August, 1861, he enlisted in Co. H, 2d Iowa cavalry, remaining in the service until October, 1865, when he was mustered out with the rank of captain. He participated in the battles at Island No. 10, New Madrid, Corinth, Rienzi, Farmington, Iuka, Nashville, Franklin, Columbia, etc. After the war he studied law in the office of Hon. H. M. Martin, of

Marengo, Iowa, and was admitted to the bar in 1867. He was a member of the State senate at the adjourned session of the 14th, and in the 15th, 16th and 17th General Assemblies. He served six years as a member of the board of regents of the State University, and as curator of the State Historical Society. He had also held the position of mayor, councilman, city solicitor, member of the school board, and other minor positions. He was elected to the 57th Congress, but declined a renomination to the 58th, owing to his impaired health. His death resulted from cancer of the lip, which had baffled every effort of general or special treatment.

---

T. MAURO GARRETT, was born in Burlington, Sept. 1, 1855; he died in Chicago, Ill., Feb. 25, 1903. Fine qualities of character and capacity for business marked his early manhood, and brought him into positions of responsibility and trust in a commercial house and in banks in his native city, from which he was called in 1881 to the treasurer's department of the C., B. & Q. railroad in Chicago. He was married to Miss Ada Sawyer, daughter of Sidney Sawyer, M. D., of Chicago. Belonging to one of the oldest families in Burlington, his parents coming there when it was yet under the jurisdiction of Michigan territory, in the spring of 1836, he inherited the quick intelligence of his father, the late William Garrett, and the historical spirit of his mother's venerable father, Hon. David Rorer. With a warm affection for his native city and State, he cultivated a study of their history, and searched for the beginnings of their growth and prosperity with the passion and patience of the genuine antiquary. He was a life member of the Iowa Historical Society, and a painstaking collector for his own library of rare and valuable material upon Iowa and western history. He was an active member of the Chicago Historical Society, which closed its doors at the hour of his funeral, and its staff showed their respect for his character and their appreciation of his personal consideration for them in their work by attendance in a body upon the funeral services.

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MORRIS MARKHAM died at Greenwood, Wis., about the middle of December, 1902. He was a soldier in the Spirit Lake Expedition of 1857, and it has been stated that he was the first man who discovered the massacre of the settlers. He went up to the settlement near the present town of Jackson, Minn., to warn the people of their impending danger, and was in the cabin where they were so closely besieged by the Indians. He was one of the refugees who were rescued by a detachment from the main expedition. The story of this siege and its results was told in THE ANNALS on the authority of Mrs. William L. Church. (See pp. 546-549, Vol. III.) Some years afterward he removed to Missouri and eventually to Clark county, Wis., where he died at the age of seventy-nine. We have no details in regard to the place and date of his birth.

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DR. DAVID D. DAVISSON was born in Clarksburg, Va., August 28, 1826; he died at Winterset, Iowa, December 27, 1902. After receiving his medical education at Baltimore, he emigrated to Washington county, Iowa, in 1847, where he farmed and practiced medicine. After his marriage to Margaret A. Jenkins, of Oskaloosa, he removed to Winterset, Iowa, in 1854. He lived a year in Adel, returning to Winterset in 1856. He represented Madison county in the 14th General Assembly.

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JACOB MERICLE, one of the very early pioneers of Webster county, died at his home in Ft. Dodge, Feb. 1, 1903, at the age of 86 years. He came to Webster county in the spring of 1849, first settling near Homer. Later on he removed to a farm near the Des Moines river, west or southwest of the town of Homer. He had always been one of the best known and most esteemed of the early settlers of Webster county.

## Historical Department of Iowa.

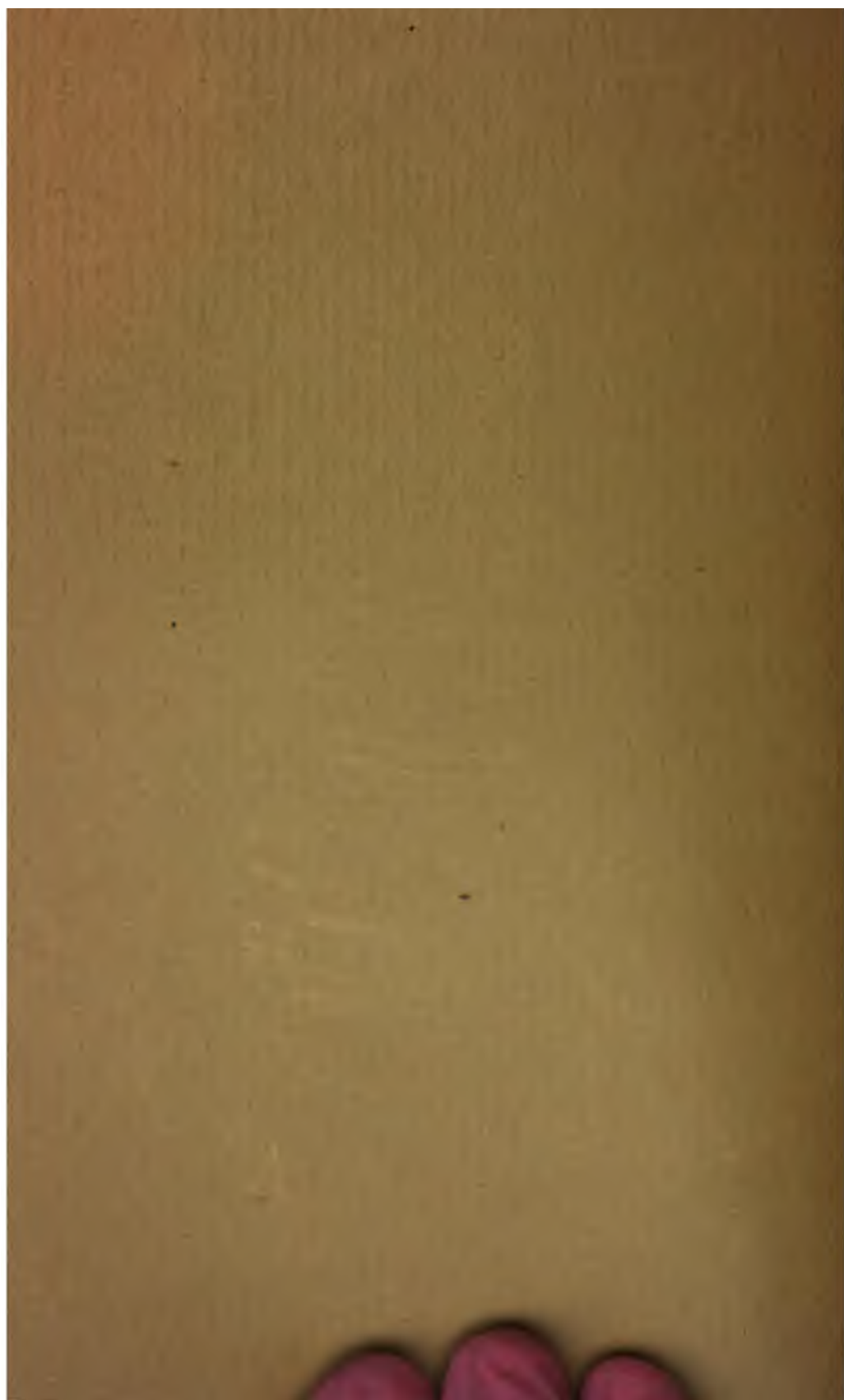
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THIRD SERIES.

VOL. VI. NO. 2.

JULY, 1903.

# ANNALS OF IOWA.

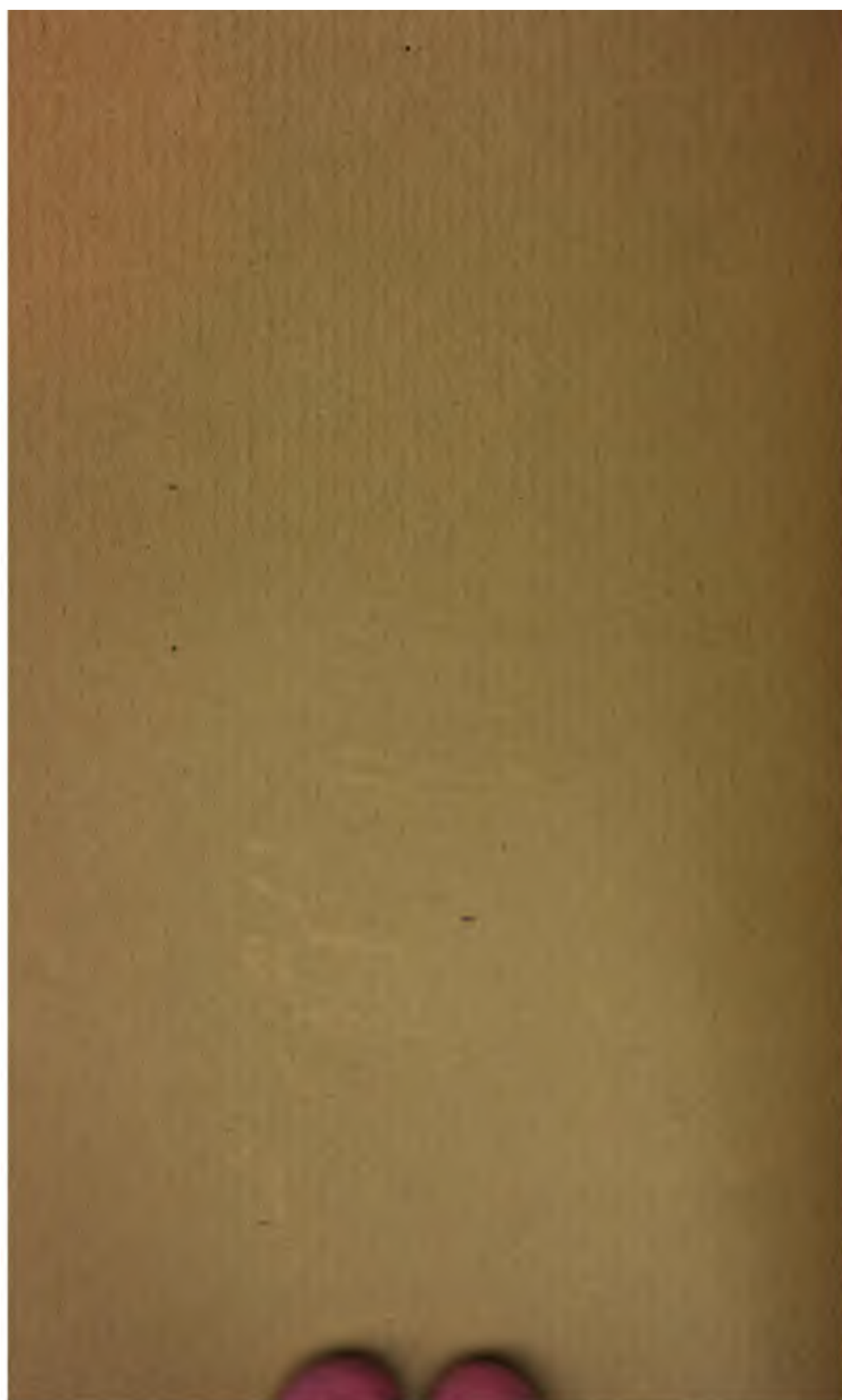
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# ANNALS OF IOWA.

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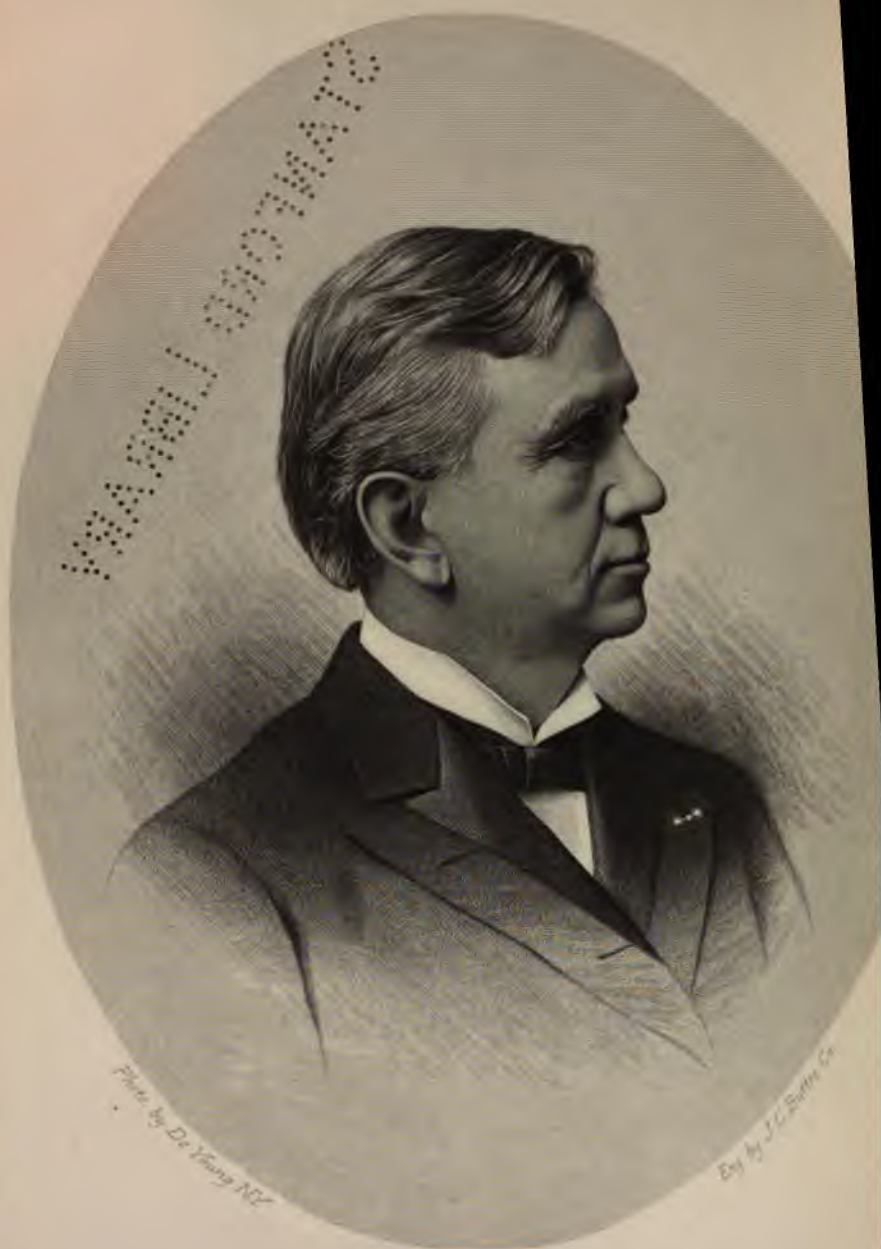
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SECRET



Chas. A. Clark



er;" Tarnomun, "a Great Many Deer;" Ta-ca-mo-nee, "The Lightning;" Seenah-ty-yaa, "the Blistered Foot." The name of one of their chiefs, Ma-hos-ka, "the White Cloud," has given to Iowa the name of one of its counties, Mahaska.

By treaty of September 17, 1836, the Iowas were removed west of the Missouri into what is now Nebraska. They are now on reservations in Kansas and Oklahoma. In 1890 their number was reduced to 267. Early in the present century they numbered about 1500, but lost heavily in wars with the Omahas, Sioux and Osages, and later by ravages of the smallpox. In 1846 they numbered 700; in 1861 only 305.\*

It should be noted that in all treaties with them up to 1854 the name is spelled "Ioway." That was also the spelling of the "Ioway" river in all Indian treaties up to 1838 when the territory "Iowa" was established. The original pronunciation of the last syllable must have been "way" as the spelling indicates. It admits of doubt if the shortening of this syllable has added euphony to the aboriginal name. The pronunciation might be retained with the modern spelling, but it has not been.

As a whole, Iowa was originally peopled by the tribes of the Siouan or Dakota stock. A thin belt of the Algonquin stock lay along the Mississippi where Marquette found the Illinois of that stock. But no Algonquin tribe had its abode permanently west of the great river. The Illinois were found east of the river in 1769, and were then practically exterminated for the murder of Pontiac by one of their tribe. This roused the vengeance of all the tribes friendly to that great chief, and wiped out the Illinois as a tribe.

The Sacs and Foxes were Algonquin but they did not take up their abode west of the Mississippi until late in the 18th or beginning of the 19th century. Their original abode was in Wisconsin. "The ruthless Sacs and Foxes, ever

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\*Eleventh Census, Indian Vol., p. 323.

dreaded by the French, held the passes from Green Bay and the Fox river to the Mississippi, and with insatiate avidity roamed defiantly over the whole country to the upper branches of the Illinois."\*

The Foxes were celebrated warriors. Parkman says there was no more implacable, tireless, and bloodthirsty tribe east of the Mississippi, and that they were especially dreaded by the French and their savage allies.† At times they acted with the French. They visited Montreal in 1672.‡ Like the Iowas, they fought under Montcalm at the capture of Fort William Henry at the head of Lake George, N. Y., in 1757;§ and they no doubt participated in the horrible massacre of the defenseless prisoners after the surrender of the fort. They were not inferior to the Iroquois of the Five Nations in ferocity and courage.¶

In an attempt to drive the French from the west in 1712, they with the Mascoutins (Muscatinés), numbering about 300 warriors in all, attacked the fort at Detroit. They fell into their own trap and were in turn attacked, besieged and captured. About 100 of the Mascoutin and Fox warriors escaped from this foray.¶ In 1730 they attacked a French fort on the Illinois river and were again slaughtered in great numbers by the French and their Indian allies.\*\* In 1736 they were reduced to sixty or eighty warriors and then incorporated themselves into the tribe of the Sacs, their kindred and neighbors, and from that time are known in history as the Sacs and Foxes. Early in the 19th century they were settled on both banks of the upper Mississippi.†† The Algonquins called them the Outagamies or "Foxes;" hence the French called them Reynards, and the Americans,

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\*Bancroft's History U. S., Centenary Ed., 1897, Vol. II, p. 399.

†Parkman's Half Century of Conflict, Vol. I, pp. 340-350.

‡Parkman's LaSalle, etc., p. 45.

§Parkman's Montcalm and Wolfe, Vol. I, pp. 492, 500.

¶Parkman's Half Century of Conflict, Vol. I, p. 278.

¶Ibid, pp. 275-297.

\*\*Ibid, p. 340.

††Ibid, p. 344.

Foxes; and thus their name in history originated. They called themselves Musquawkies, said to mean "red earth," from the color of the soil near one of their villages.\*

It was this confederated Algonquin tribe which thrust itself into Iowa, the home of a hostile stock, the Sioux or Dakotas. The first government treaty with Indians relating to the soil of Iowa was made August 19, 1825; it recited recent wars "between the confederated tribes of Sacs and Foxes and the Sioux, and also between the Ioways and the Sioux." To prevent further wars between these savages they stipulated for a "firm and perpetual peace," and the treaty fixed a boundary line dividing the country of the Sioux from that of the Ioways and Sacs and Foxes. That line began at the mouth of the Upper Iowa river near the northeast corner of the now State of Iowa, and ran southwest to "the second or upper fork of the Desmoines (sic) river; thence in a direct line to the lower fork of the Calumet river; and down that river to its juncture with the Missouri river." The "Calumet" river referred to is now the Big Sioux. Its Indian name was Tchan-kas-an-data.

This boundary does not seem to have kept the hostile tribes from each others' throats, for July 15, 1830, a further treaty was made by which the Sioux ceded a strip twenty miles wide north of this line from the Mississippi to the "Demoine" (sic); and the Sacs and Foxes and Ioways ceded a like strip twenty miles in width south of that portion of the boundary line of 1825.

Thus was created an area forty miles wide, extending from the Mississippi southwest to the Des Moines, known as the "Neutral Ground." Its southwest corner was near the present city of Fort Dodge.

By the same treaty a large portion of western Iowa was ceded to the United States, but the treaty provided:

It is understood that the lands ceded and relinquished by this treaty are to be assigned and allotted, under the direction of the President of the

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\*Parkman's *Half Century of Conflict*, Vol. I, p. 500.



United States, to the tribes now living thereon, or to such other tribes as the President may locate thereon, for hunting and other purposes.

The Pottawattamies, on their removal west of the Mississippi were located by the government on this cession along the Missouri. Not a foot of Iowa soil was as yet acquired by the government for other than Indian purposes.

These treaties were signed, among other chiefs, on behalf of the Sacs, Socs, or Sacks, as they were variously called, by Ke-o-kuck, or "the Watchful Fox," and on behalf of the Foxes by Wapalaw, "the Prince." Hence we have Wapello county, and the city of Keokuk and Keokuk county.

In 1832 the Sacs and Foxes crossed the Mississippi river and participated in the Black Hawk war which was waged by that celebrated chief to recover lands ceded by the Winnebagoes and the Sacs and Foxes east of the Mississippi. To punish the Sacs and Foxes for their participation in this war General Scott compelled them to cede a portion of their lands in Iowa, by treaty, concluded September 21, 1832. This cession was of a tract practically fifty miles in width, along the Mississippi, and extending from the south boundary of the "Neutral Ground" to the northern line of the state of Missouri. From this tract they were bound to remove before the first day of June, 1833, and it was "expressly understood that no band or party of the Sac or Fox tribes shall reside, plant, fish or hunt in any portion of the ceded country after the period just mentioned." The government, however, out of this cession granted these Indians a reservation of a tract "containing four hundred square miles to be laid off under the direction of the President of the United States, from the boundary lines crossing the Ioway river, in such manner that nearly an equal portion of the reservation may be on both sides of said river, and extending downwards so as to include Keo-o-kuck's principal village on its right bank, which village is twelve miles from the Mississippi river."

By article 6 of this treaty it was provided:

At the special request of the said confederated tribes, the United States agree to grant, by patent, in fee simple, to Antoine LeClaire, interpreter, a part Indian, one section of land opposite Rock Island, and one section at the head of the first rapids above said island, within the country herein ceded by the Sacs and Foxes.

Hence originated the little town of LeClaire, which at one time thought itself the rival of Davenport.

Among the signatories of this treaty were Kee-o-kuck, or "He who has been everywhere;" and on behalf of the Foxes, Wau-pel-la, or "He who is painted white;" also Pow-sheek, or "Roused Bear," for whom Poweshiek county was named. The descriptive appellations of Kee-o-kuck and Wau-pel-la seem to have been materially modified by their experience in war.

The 400 square miles or sections reserved to the Indians by this treaty were surveyed and laid off in a parallelogram along the Iowa river. The northwest end was close to Iowa City. The southeast end extended to about the present towns of Northfield and Elrick Junction, in Louisa county.

By the treaty of September 28, 1836, which recites that it was entered into "in the county of Debuque, (sic) and territory of Wisconsin," Henry Dodge acting as commissioner on the part of the United States, the Sac and Fox Indians ceded back this tract of 400 sections. For this cession the government paid 200 horses, \$9,341, and small amounts to other beneficiaries under the treaty. But it was stipulated that the "Ioway Indians having set up a claim to a part of the lands ceded by this treaty," the President of the United States was to investigate their claim, and "cause the reasonable and fair valuation thereof to be paid to said Ioway Indians, and the same amount be deducted from the sum stipulated to be paid to the Sacs and Foxes." Outside of the Indians, there was to be paid, under this treaty, to Madame LeClaire \$125; to Antoine LeClaire, \$2,436.50; also for the use and benefit of a child of Ka-kee-o-sa-qua, a Fox woman, \$1,000. This last would seem to be the name from

which Keosauqua, one of our Iowa towns, is derived. Its signification is not given in the treaty.

The early settlers in Iowa upon the lands thus thrown open for settlement were brought in contact principally with the Sac and Fox Indians, who, from their predatory character and bloodthirsty disposition, could not have been pleasant neighbors. October 21, 1837, accordingly, a new treaty was made with them by which a further area, occupied by them, was acquired for settlement. This area contained 1,250,000 acres lying immediately west of and adjoining the lands already ceded. It left the eastern boundary line of the Indians' lands running nearly due north and south from Missouri to the south line of the "Neutral Ground;" the north end of this line was in township 92, range 10, and the south end in township 67, range 12, as we now reckon. By the same treaty they also ceded all interest in the twenty mile strip already mentioned, which they had ceded for Indian purposes by the treaty of July 15, 1830, and which comprised the south twenty miles of the so-called "Neutral Ground." The Indians agreed to remove from the lands ceded within eight months from the ratification of the treaty, "with the exception of Keokuck's village, possession of which may be retained two years." Various sums were paid to the Indians by the government for this cession, the principal of which was an annuity of five per cent on the sum of \$200,000, to be invested in "safe state stocks." Among other signatures to this treaty, on behalf of the Indians, were Keeokuck, "the Watchful Fox," principal chief of the confederated tribes; Appan-oze-o-ke-mar, "the Hereditary Chief," or "He who was a Chief when a child." From this chief we have the name of Appanoose county.

It was also signed, among others, by Waa-co-me, "Clear Water," a chief; Nar-nar-he-keit, the "Self-made man," which sounds as though there may have been politicians among the Indians of that day. Also by Wa-pella, "the Prince," a principal chief; by Paa-ka-kar, "the Striker,"

probably not a walking delegate; by Po-wa-sheek, "Shedding Bear," principal chief; by Con-no-ma-co, "Long Nose Fox," a chief (wounded); Waa-co-shaa-shee, "Red Nose Fox," a principal chief, Fox tribe, (wounded); by Kish-keekosh, "the Man with one leg off."

From these names it would seem that their hereditary predisposition for fighting was still kept up. Nar-nar-wau-kehait, "the Repenter," or "the Sorrowful," may have had a touch of religion, or he may have been defeated in combat.

Finally, by treaty of October 11, 1842, the Sacs and Foxes ceded:

All lands west of the Mississippi river, to which they have any claim or title, or in which they have any interest whatever; reserving a right to occupy for a term of three years from the time of signing this treaty, all that part of the land hereby ceded which lies west of a line running due north and south from the painted or red rocks on the White Breast fork of the Des Moines river, which rocks will be found about eight miles, when reduced to a straight line, from the junction of the White Breast with the Des Moines.

The government agreed to assign them a "tract of land suitable and convenient for Indian purposes for a permanent and perpetual residence for them and their descendants, which tract of land shall be upon the Missouri river, or some of its waters." It also undertook to pay an annuity of five per cent on the sum of \$800,000, and to pay certain debts of the Indians. They agreed to remove to the west side of the line running through the red rocks on the White Breast before the first of May, 1843, and later to remove to the lands selected for them west of the Missouri.

By separate article it was provided as follows:

The Sacs and Foxes have caused the remains of their late distinguished chief, Wa-pel-lo, to be buried at their agency, near the grave of their late friend and agent, General Joseph M. Street, and have put into the hands of their agent the sum of one hundred dollars to procure a tombstone to be erected over his grave, similar to that which has been erected over the grave of General Street; and because they wish the grave of their friend and chief to remain in the possession of the family of General Street, to whom they were indebted in his lifetime for many acts of kindness, they wish to give to his widow, Mrs. Eliza M. Street, one section of land, to in-

clude the said graves, and the agency house and enclosures around and near it; and as the agency house was built at the expense of the United States, the Sacs and Foxes agree to pay them the sum of one thousand dollars, the value of said building, assessed by gentlemen appointed by them and Governor Chambers, commissioner on the part of the United States, to be deducted from the first annuity payable to them under the provisions of this treaty. And the United States agree to grant to the said Eliza M. Street, by one or more patents, six hundred and forty acres of land in such legal subdivisions as will include the said burial ground, the agency house, and improvements around and near it, in good and convenient form, to be selected by the said E. M. Street, or her duly authorized agent.

Among the creditors to be paid was the inevitable Antoine LeClaire, the amount being \$1,375.

The treaty was signed by practically the same chiefs as the last preceding. It opened for settlement in May, 1843, an area as far west as the west line of township 88, range 19. Eldora, in Hardin county, is now practically upon the northern end of this line, and Knoxville, in Marion county, towards the southerly end. By 1845 the Sacs and Foxes had removed from the whole tract ceded and thus the government public lands were carried as far west as township 88, range 36, on the north, and township 67, range 29, on the south, at the Missouri state line.

Mention should be made of a small reservation in southeastern Iowa called the "half-breed tract."

By treaty of August 4, 1824, the Sacs and Foxes ceded all their lands in the state of Missouri and provided:

It being understood that the small tract of land lying between the rivers Desmoin (sic) and the Mississippi, and the section of the above line between the Mississippi and the Desmoin, is intended for the use of the half-breeds belonging to the Sock and Fox nations; they holding it, however, by the same title, and in the same manner, that other Indian titles are held.

The "half-breed lands" were not ceded by the Sacs and Foxes in any of the treaties already set out, except that the final treaty of October 11, 1842, was no doubt broad enough in its terms to relinquish any remaining claim or interest which the confederated tribes may have had in these lands.

On the 30th day of June, 1834, congress, by an act of

that date, relinquished to and vested in the Sac and Fox half-breeds all interest and title of the United States in these lands "with power to said half-breeds to transfer their portions thereof by sale, devise, or descent," and thus the half-breeds became owners and tenants in common of this valuable area. The city of Keokuk is located on these lands.

The legislature of the territory of Wisconsin, of which Iowa was then a portion, and subsequently the legislature of the territory of Iowa, passed laws for the partition of these lands among the half-breeds, and for the settlement of titles thereto. There was protracted and fierce litigation over the "half-breed titles" which forms an interesting chapter in the early judicial history of Iowa, and which resulted finally in settling titles to the disputed lands, and in enabling them to be transferred, so that they passed into the hands of the white men.

The early history of Iowa is perhaps more closely interwoven with that of these savages than any other of its aboriginal inhabitants. After their removal west of the Missouri river a band of Foxes returned to Iowa and purchased from the white settlers 1,452 acres of land along both sides of the Iowa river in Tama county. This purchase was made with their annuity money, and is in no proper sense a government reservation. The Indians own this land in fee, the deed to the same being held in trust by the Governor of Iowa. They are commonly called Musquawkies.\* Probably the people of Iowa generally look upon the name "Musquawkie" as a term of contempt. It is, in fact, as has been already pointed out, the real aboriginal name of the Fox Indians, one of the most courageous and redoubtable tribes in all Indian history.

The Tama Indians are the lineal descendants, and the part survivors of the Foxes, or Musquawkies, of Wisconsin and northern Illinois, who in history stand among the most celebrated Indians of the American continent.

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\*Eleventh Census, Indian Vol., pp. 318-319.

As to the acquisition of the title of the Ioways, it has already been shown that they removed west of the Mississippi under a treaty of September 17, 1836. By this treaty they then released their claim only to the lands lying between the Missouri river and the state of Missouri, which were afterwards attached to and became a part of that state. It would seem from the language of that treaty that the Ioways were at that time located with the Sacs and Foxes of the Missouri upon the tract of land thus definitely ceded. This would imply that the Sacs and Foxes of the Mississippi were then in possession of Iowa south of the "Neutral Ground," and considerably west of the Des Moines river. Be this as it may, no evidence is to be found in the treaties of the occupancy of Iowa soil by the tribe of Ioways after about the date of the treaty of September 17, 1836. This treaty besides being signed by Mo-hos-ca, or "White Cloud," was signed by Man-o-mo-ne, or "Pumpkin;" by Con-gu, or "Plum;" and by Ne-o-mo-ne, or "Rainy Cloud."

This treaty indicates, as already said, that the Ioways had withdrawn from their ancient seat on the Des Moines and Iowa rivers. It will be remembered, however, that the treaty with the Sacs and Foxes by which that tribe ceded their four hundred sections along the Iowa river, recited that the Ioways still made claim to an interest in these lands, and authorized the government to settle with them for such interest, deducting the amount thereof from the sum to be paid the Sacs and Foxes under that treaty. It should also be remembered that the treaty of July 15, 1830, under which the Sacs and Foxes and the Ioways ceded the south twenty miles of the "Neutral Ground," established a cession of that tract for Indian purposes only. So as to the large area ceded by the same treaty by these tribes in common with various bands of the Sioux Indians west of the Des Moines river. This qualified cession left the possessory rights of the Indians so nearly what they were in the absence of any treaty whatever, that it is difficult to see why the cession should have been made at all,

except in so far as they tended to restrain warfare between the various tribes then located in Iowa. All such reserved title or claim was now extinguished.

An earlier treaty (1815) of simple peace and amity with the Ioways was signed, among others, by Shong-a-tong, "the Horse Jockey." The resonance of this name suggests that the aboriginal horse sharper was fully as vociferous as his Caucasian brother of our own age.

Notwithstanding the removal of the Ioways west of the Missouri under the treaty of 1836 it was found desirable to extinguish their rights and claims under the peculiar cessions of 1830 and the agreement made by the government with the Sacs and Foxes touching the tract of four hundred sections. Accordingly, November 23, 1837, the "Ioways," as they were still called, ceded all right and interest which they might have "by virtue of the phraseology employed," in the lands ceded July 15, 1830, already referred to. For this cession they were paid \$2,500 in horses, goods and presents.

Afterwards, October 19, 1838, they ceded "all right or interest in the country between the Missouri and Mississippi rivers," and the boundary between the Sacs and Foxes and the Sioux described in the second article of the treaty made on August 19, 1825, "and all interest or claim by virtue of the provisions of any treaty since made by the United States with the Sacs and Foxes of the Mississippi."

These treaties ended all form of claim on the part of the Ioways to any interest in Iowa lands. They were signed, among others, by "Frank White Cloud," probably Mo-has-ka; by Tharaw-ing-go, "the War Eagle;" by Po-she-ing-ga, "the Cock Nose;" by Roto-ro-to-gra-zey, or "Speckled Rib;" by Ta-ro-do-hah, or "Pile of Meat."

This is the last appearance in Iowa history of the tribe for whom the State was named.

There remains for consideration other bands of Sioux Indians (for the Ioways were Siouan) who were aboriginal inhabitants of Iowa. The name Sioux is derived from



the last syllable of the name given them by the Algonquins, "Na-do-wes-sioux," which means "snake-like ones," or "enemies." From our earliest knowledge of them the fitness of the name has been apparent. Their own name for themselves is Dakota or Lakota, which means "leagued." The bands of Iowa, other than the Ioways, and the significance of their names were:

Mde-wa-ka-to-wa, or (Medewakanton), "Spirit Lake village."

Wahpeton, "Dwellers in hard-woods."

Santee, "People of the further end."

Yankton, "End village."

Yanktonai, "Little end village."

Teton, "Dwellers on prairie."

Omahas, "Up stream people."

Wahpahkoota, "Leaf shooters."

Ottoes, "Lovers."

Missourias, "Muddy water."

Of these bands or tribes the Ottoes and Missourias seem to have been united tribes, who, with the Omahas, maintained some semblance of permanent occupancy of southwestern Iowa, northwestern Missouri and lands along the west bank of the Missouri as far north as the present north line of Nebraska. They were far more peaceable and quiet than the remainder of the Sioux in Iowa.

The other bands of Sioux above mentioned seemed to have roamed occasionally through southwestern Iowa. They held permanently to the north part of the State, and to northwestern Iowa, as well as Minnesota, and a vast country west and northwest, through which they roamed at will.

All of these tribes, except the Yanktons and Ottoes, participated in the treaty of August 19, 1825, by which a boundary line was established between the Sioux, and the Ioways, Sacs and Foxes. Because of their absence the treaty stipulated that they should not be bound. As already said, no lands were ceded to the government by this treaty, but it was the first treaty by which the untamable Sioux surrendered any form of control over a foot of the vast domain where they had maintained their predatory existence, except that

in 1805 they had ceded a small tract nine miles in width on each side of the Mississippi from its confluence with the St. Peters, now the Minnesota, up to and including the Falls of St. Anthony.

By the treaty of July 15, 1830, the "Neutral Ground" was established, as already pointed out, and there was also ceded to the United States for Indian purposes by these various tribes of the Sioux, all of whom were represented, a large body of land in western and northwestern Iowa, which has been mentioned in connection with the Ioways and the Sacs and Foxes. This was the first formal cession to the government, except the small tract in Minnesota, of even a qualified interest in lands over which they roamed, which was ever made by the Sioux Indians. October 21, 1837, the Yankton tribe ceded all claim to lands in the "Neutral Grounds" and western Iowa, already ceded for Indian purposes by the above treaty of July 15, 1830.

No further cessions were made by the Sioux Indians of lands in Iowa until the treaty of July 23, 1851, between the Susseton and Wahpeton bands, of all their lands in Iowa and Minnesota, and a treaty of August 5, 1851, with the Mde-wa-ka-to-wa and Wahpahkoota bands of the same purport. These treaties were amended by the United States senate, and were not finally signed anew by the Indians until September 18, 1852. Then for the first time the Sioux Indian title in Iowa was extinguished. Up to the dates of these treaties the Sioux Indians continued to occupy east of the Des Moines river the land north of the old "Neutral Ground," extending from a point twenty miles north of Dakota City on the east branch of the Des Moines practically to the northeast corner of the State. They also continued to occupy the lands in northwestern Iowa west of the Des Moines as far south as Fort Dodge, and from that point about northwest to the Missouri river.

The southern portion of the tract in western Iowa ceded for Indian purposes by the treaty of 1830 seems to have been

abandoned by the Missourias, the Omahas, and the Ottoes, who occupied it, or hunted in parts of it, at the time of that treaty, and they were removed across the Missouri river where they were located on reservations by the government. It seems by the treaty of September 1, 1833, that the Ottoes and the Missourias were then dwelling on the Platte river in Nebraska. It was recited in that treaty that "the Ottoes and Missourias declare their entire willingness to abandon the chase for the agricultural life." By treaty of October 15, 1836, it appears that the Ottoes, Missourias and Omahas were all west of the Missouri river, were just going upon new reservations, and that the government made them an allowance to assist them in their removal, and to establish them in their new homes. Afterwards, March 15, 1854, "the confederated tribes of the Ottoa and Missouri Indians," and March 16, 1854, the Omahas ceded all claim to lands east of the Missouri river, and their title was extinguished in Iowa.

Thus we have traced the original Indian inhabitants of Iowa to their final removal and disappearance from the State.

It was the Wapahkoota and Med-awakanton, or Mde-wa-ka-to-wa, "Spirit Lake village," tribes of the Sioux who engaged in the Spirit Lake massacre of 1857. It will possibly surprise many to find that date to be only five years after the extinction of their title to the beautiful Spirit and Okoboji lakes which have now become Iowa's great summer resort.

The possession of northern Iowa which these Indians retained up to the treaties of 1851 and 1852 was not merely nominal; it was actual and exclusive. In 1850 the surveyor general of Iowa reported "about seven-eighths of the whole area of the State of Iowa has been purchased of and vacated by the respective Indian tribes originally occupying it, and the remaining one-eighth is still possessed and occupied by the Sioux tribes."

In 1849 he reported with reference to surveying the

northern boundary line of Iowa, as required by act of congress:

This boundary throughout nearly its whole extent traverses the territory of the Sioux Indians—a tribe who, upon a recent occasion, fearlessly and ruthlessly plundered a party while in the execution of a public land survey under authority of the government, and who have upon previous occasions shown no hesitancy in perpetrating open and unprovoked robberies. In view of these facts I respectfully suggest the importance of occupying Fort Atkinson with a force of dragoons to awe, and, if necessary, chastise these Indians during the survey of the boundary line.

In 1851 the commissioner of the general land office and the surveyor general of Iowa reported that the northern boundary of Iowa would be promptly surveyed if the treaties then recently negotiated with the Sioux Indians were ratified by the senate. The commissioners who negotiated these final treaties with the Sioux set forth in their report that the lands ceded included "five or six millions of acres lying in the State of Iowa, between the line of the old 'Neutral Ground' and the northern and western boundaries of the State."

The names of the northern Sioux Indians have left little trace in the geography of Iowa, and are probably of not as much interest as the musical names of the Sacs and Foxes and the Ioways, but some of them, with their significance, as gleaned from the various treaties, are given below:

Man-ki-hum-dee, "Puts his foot in it."  
 Aam-pa-waa, "The speaker."  
 Cha-pon-ka, "The musqueto."  
 To-ka-oo, "The one that kills."  
 Wah-ta-ken-do, "The one who comes from war."  
 To-qui-in-too, "The little soldier."  
 O-e-te-kah, "The brave."  
 Man-to-dan-za, "The running bear."  
 Wa-be-la-wa-con, "The medicine war eagle."  
 Wabasha, "The leaf."  
 Wa-ma-de-tun-ka, "Black dog."  
 Wan-na-ta, "He that charges on his enemies."  
 Wa-ka-u-hee, "Rising thunder."  
 Po-e-ha-pa, "Eagle head."  
 Masc-pu-lo-chas-tosh, "The white man."  
 Wa-sa-o-ta, "A great storm of hail."

Tah-sau-ga, "The cane."  
 Wabkon-Tunkah, "Big thunder."  
 Koc-ko-moc-ko, "Afloat."  
 Marc-pee-wee-chas-tah, "Chief of the clouds."  
 Tah-chunk-washtaa, "The good road."  
 Tah-tape-saah, "The upsetting wind."  
 Mah-kuah-pah, "He that shakes the earth."  
 Tee-oh-du-tah, "The red lodge."  
 Ee-tay-wa-keen-yan, "Limping devil," or "Thunder face."  
 Ma-za-sh'a, "Metal sounding."  
 Wash-tay-da, "Good a little."  
 Eenk-pa, "The upper end."  
 Wa-kan-ma-nee, "Walking spirit."  
 A-kee-tchee-ta, "Standing soldier."  
 Wa-kan-o-zhan, "Sacred light."  
 Tee-tchay, "Top of the lodge."  
 Na-ghee-yoo-shkan, "He moves the ghosts."  
 Heen-han-doo-ta, "Red owl."  
 Wa-koo-tay, "The shooter."  
 Am-pay-sho-ta, "Smoky day."  
 Wa-pa-ma-nee, "He strikes walking."

Treaties with the Ottoes and Missourias were signed, among others, by the following:

#### OTTOES.

Ar-ke-kee-tah, "Stay by it."  
 Heh-cah-po, "Kickapoo."

#### MISSOURIAS.

Ah-hah-che-ke-saw-ke, "Missouria chief."  
 Maaw-thra-ti-ne, "White water."

There remain for consideration tribes of Indians removed by the government to Iowa from east of the Mississippi river. The first of these were the Winnebagoes. Following the Black Hawk war and on the 15th of September, 1832, they ceded to the United States their lands east of the Mississippi river. The government, on its part, by this treaty granted to the Winnebagoes, "to be held as other Indian lands are held, that part of the tract of country on the west side of the Mississippi river known at present as the 'Neutral Ground,' embraced within the following limits." The boundaries specified confined the Winnebagoes to that portion of the "Neutral Ground" extending forty miles west of the Missis-

issippi river. This treaty was signed, among others, by Khay-rah-tshoan-saip-kaw, or "Black Hawk."

A former treaty with the Winnebagoes, dated August 1, 1829, was also signed by Hay-ray-tshoan-saip, or "Black Hawk."

This is mentioned in view of the fact that Black Hawk is often mentioned as a chief of the Sacs and Foxes. Possibly he was in the sense of exercising control over them when they were on the war path with the Winnebagoes. A careful examination of the Sac and Fox treaties shows that he never signed one of them as a chief of either of these confederated tribes.

By the above mentioned treaty of September 15, 1832, the Winnebagoes agreed to remove to the "Neutral Ground" by June 1, 1833, and that agreement appears to have been carried out. By treaty of November 1, 1837, all other Winnebagoes were removed from east of the Mississippi to the east twenty miles of the "Neutral Ground." The Winnebagoes relinquished their right to occupy the west twenty miles of the "Neutral Ground" originally granted them, but retained the right of hunting thereon. Here they remained until 1846 when by treaty of October 13 of that year they were removed from the State of Iowa, such removal to take place within one year from the ratification of the treaty.

Wee-no-she-kaw, one of their chiefs, no doubt gave the name to Winneshiek county; the significance of this name does not follow the signature attached to the treaty where it appears. The name of the city of Decorah evidently comes from Maw-he-coo-sha-naw-zhe-kaw, "One who stands and reaches the skies," or "Little Decorie." Perhaps the name of Chickasaw county is derived from the Winnebago, Chey-skaw-kaw, or "White Ox." The name Waukon in Allamakee county evidently comes from the Winnebago word Wau-kaun, or "Thunder," which appears in various combinations in the names of several of their chiefs. Probably Waucoma in Fayette county comes from Waa-co-me, or "Clear Water," a Sac chief of 1837.

The united nation of the Pottawattamie, Chippewa and Ottawa Indians, by the treaty of Chicago, September 26, 1833, ceded their lands east of the Mississippi and agreed to remove west of that river within three years. By that treaty there was assigned to them the principal portion of the lands in western Iowa ceded to the United States for Indian purposes by the treaty of July 15, 1830, by the Sacs and Foxes, the Ioways, and various tribes of the Sioux Indians, as already set forth. Here the Pottawattamies made their homes until by treaty of June 5 and 17, 1846, they ceded all their lands in Iowa, and agreed to remove to their new homes on the Kansas river within two years from the ratification of that treaty.

Thus disappeared from Iowa the last of the Indians removed from east of the Mississippi river.

It would be a grave error to suppose that the Indian population of Iowa was ever very considerable. Probably from the day of Father Marquette's visit there never were 15,000 savages within the geographical boundaries of the State at any one time.

The villages of the Illinois, which he found on the Des Moines, soon withdrew to the east of the Mississippi river.\* The Ioways, as we have seen, were never very numerous. The Sacs and Foxes were greatly reduced in numbers when they were crowded west of the Mississippi by their savage enemies. The Ioways, Missourias, and Ottoes, in the order named, were mere offshoots from the Winnebagoes who were of the Siouan family, thrust forward, a narrow wedge of that stock, into the great Algonquin stock, by which they were practically surrounded, and dwelling between Green Bay and the lake that bears their name in Wisconsin. These offshoots from a parent tribe so situated were certainly not very strong. The Yankton and Yanktonai passed from the upper Mississippi to the Missouri, along the southwestern portion of Iowa and northwestern portion of Missouri

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\*Bancroft, Vol. 2, p. 236.

shortly prior to 1800. Like other Indians crowded from their original abodes, their numbers were not large. The Omahas, from the earliest day when they were known to history, did not exceed 1,500 to 2,000. The Sioux Indian tribes, who maintained possession of northern and northwestern Iowa, made their homes largely upon the St. Peters, now the Minnesota, river, and upon the Missouri river west and northwest of Iowa. Their presence was largely predatory, and for fishing and hunting rather than a continuous abode.

It is remarkable that Lewis and Clark in their expeditions to the Pacific, 1804-1806, in coming up the Missouri, did not see the face of an Indian, except a few Omahas, Ottoes and Missourias brought in by their runners, from the time they left St. Louis until they encountered the Teton Sioux near the present location of Yankton. Along that river where it is now the western boundary of Iowa, they sent out runners to discover Indians, but were wholly unsuccessful in finding any, except as above stated. So, on their return trip down the river, after passing the Teton Sioux about where they had encountered them in 1804, and a few Yanktons near the James river, South Dakota, they did not see an Indian between that point and St. Louis. In passing the Chariton river going west they recorded—"Ay-au-way (Ioway) nation, consisting of 300 men, have a village near its head waters on the River De Moines." Three days later, and before reaching the mouth of the Kansas river, while about five miles east of the mouth of the Grande river, the explorers recorded passing two creeks on the north side of the Missouri, called the Round Bend creeks, of which the explorers say:

Between these two creeks is the prairie, in which once stood the ancient village of the Missouris. Of this village there remains no vestige, nor is there anything to recall this great and numerous nation, except a feeble remnant of about thirty families. They were driven from their original seats by the invasion of the Sauks and other Indians from the Mississippi, who destroyed at this village two hundred of them in one contest, and sought refuge near the Little Osage, on the other side of the river.



The encroachment of the same enemies forced, about thirty years since, both these nations from the banks of the Missouri. A few retired with the Osage, and the remainder found an asylum on the river Platte, among the Ottoes, who are themselves declining.

From this it seems that the Missourias and Ottoes were already, at that early date, driven west of the Missouri. A little further up the Missouri they recorded, "In view of our camp is the situation of the old village of the Missourias after they fled from the Sauks." After passing the mouth of the Platte they again say:

The Ottoes were once a powerful nation, and lived about twenty miles above the Platte, on the southern bank of the Missouri. Being reduced, they migrated to the neighborhood of the Pawnees, under whose protection they now live. Their village is on the south side of the Platte, about thirty miles from its mouth; and their number is two hundred men, including about thirty families of the Missouri Indians, who are incorporated with them.

Near the mouth of the Mosquito Creek, below Council Bluffs, they said:

A little below the bluff on the north is the spot where the Ioway Indians formerly lived. They were a branch of the Ottoes, and migrated from this place to the River Des Moines.

The explorers landed at the present site of Omaha, which they named "Council Bluff." Here they held a council with fourteen Ottoa and Missouria Indians, for whom they sent out runners, and who were then at war with the Mahas (Omahas) west of the Missouri river. Five miles above the mouth of the Little Sioux they visited what had formerly been the location of an Omaha village on the west bank of the Missouri. They reported that the Omahas had formerly lost four hundred of their number by smallpox at this place, and had abandoned it for that reason. On the map of their explorations they lay down, just above the Big Sioux river, "Yanktons, a band of the Sioux, one thousand souls;" on the Des Moines "Foxes, eighteen hundred souls;" on the Mississippi about the mouth of the Iowa, "Sacs, three thousand souls;" on the St. Peters, north of Spirit Lake, "Wa-pa-toone, a tribe of Sioux, one thousand souls." They located the Ioways

"Ayawas" (sic) on the lower Des Moines, but did not indicate their numbers. Further up the St. Peters they have "Wa-pa-too-ta, a band of Sioux, six hundred souls;" and further on "Sisatone, a band of the Sioux, nine hundred souls;" and about the present location of Yankton, "Tetons, a band of Sioux, fifteen hundred souls."

It will be seen at a glance how impossible it is to conclude that the Indian population of Iowa was ever very considerable.

We learn of the Missourias from another source: "In 1802 from a tribe numbering about thirty-five hundred they were reduced to less than a tenth of that number by small-pox, when they burned their villages and became wanderers, pursued by their relentless enemies, the other bands of the Sioux."\* This was about the date of their appearance in southwestern Iowa and eastern Kansas and Nebraska, as already noted.

In 1822 Rev. J. Morse, Special United States Indian Commissioner compiled from all sources known to the Indian Bureau the numbers of Indians in the United States. His estimates of the then number of the Indians in question were as follows:

Sauks (Sacs) of the Mississippi on both sides of the Mississippi, from the Illinois river to the Wisconsin, 4,500; Foxes, 2,000, mingled with the Sauks (Sacs) in the same territory; Ioways, 1,000, mingled with the tribes last mentioned, their principal villages are on the Iowa and Des Moines rivers, the greater part west of the Mississippi;† Ottoes, Missourias, and Ioways, 1,800, on Platte river forty miles from its mouth;‡ Omahas, 3,000, on Elkhorn river, forty miles northwest of Council Bluffs.¶]

The various Siouan tribes are so distributed by these tables that it is impossible to locate them with reference to Iowa.

Catlin, on his map locating Indian tribes in 1833 lays down in Iowa only the Sacs and Foxes on the east and the

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\*Eleventh Census, Indian Vol., p. 374.

†Morse's Report to the Secretary of War on Indian Affairs, pp. 120, 140, 201.

‡Ibid, pp. 204, 251.

¶Ibid, p. 204.

Sioux on the north and along the Missouri on the northwest. He locates the Ioways in northwestern Missouri, the Omahas and Ottoes along the Platte river in eastern Nebraska, while the Missourias are not mentioned as a separate tribe.

The "Book of the Indians of North America," by Samuel G. Drake, has a list of the principal tribes of Indians in the United States, with their locations, in 1832. This list shows "Sauks, Sacks or Sacques in Illinois about Lake Winnebago, now about 500 in Missouri." "Otagamies, (Foxes) between the Lake of the Woods and Mississippi, 300 in 1780;" "Foxes, (see Sacques and Foxes)," "Ioways, recently on the Ioway river, now scattered among other tribes of the west, 1,100;" "Ottoes, on Platte river, about 1,500 in 1820;" "Sioux, on St. Peters, Missouri and Mississippi, numerous, 33,000;" "Yanktons, or Big Devils, 2,500, (sources of the Sioux river, etc.);" "Mindawarcarton," (Mde-a-wa-ka-to-wa or Spirit Lake village,) "the only band of Sioux that cultivates corn, beans, &c.," numbers not given.

Here again it should be pointed out that by far the greater portion of the Sioux Indian tribes never were in sight of any portion of Iowa at all. The data which has thus been gleaned varies considerably with reference to the different tribes of the aboriginal population of Iowa, but the conclusion seems inevitable that less than 15,000 savages formerly held possession of the great State whose present white population is more than two and one-quarter millions, with ample room for double that number of civilized people.

These conclusions regarding the Indian population of Iowa are strengthened by the researches of Bancroft, the historian, regarding the number of Indians in the country immediately east of Iowa. After an exhaustive examination of the question he concludes that the Indians in the territory now Ohio, Michigan, Indiana, Illinois, and Kentucky, could hardly ever have exceeded 18,000.\*

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\*Bancroft's History U. S., Vol. 2, p. 306.

The cause of humanity has greatly profited by removing the few savages of aboriginal Iowa to the plains of the west and southwest, and by thus giving to civilized man one of earth's fairest and most fertile areas. Only a sentimentalist of the most extreme type can grow either indignant or mournful over their fate. All tribes and bands of them still exist on the various government reservations. They all draw annuities in perpetuity, and they undoubtedly number as a whole more than on the day when Father Marquette first stepped upon Iowa soil.

NOTE.—Charles Amory Clark, author of the foregoing article, was born at Sangerville, Maine, January 26, 1841, the son of William Goding Clark and Elizabeth White Stevens Clark. His original ancestor in the United States was Hugh Clark, who settled in Watertown, Massachusetts, in 1640. He was educated in the common schools at Sangerville, and attended three terms at Foxcroft Academy. He also studied Latin and Greek under a private tutor. He taught school some portion of the time—"boarding around"—from his fifteenth year until 1861, when he enlisted as a private in Company A, Sixth Maine Infantry. He was successively corporal, sergeant, and second lieutenant. In August, 1862, he was promoted to first lieutenant and adjutant, and remained in that position until he was honorably discharged because of wounds, in February, 1864. He returned to the service in April of that year, having been commissioned by Abraham Lincoln as captain and assistant adjutant-general of volunteers. He was again compelled to resign on account of ill health and wounds. He participated in nearly forty battles between Washington and Richmond, aside from several affairs of lesser note. He was severely wounded at Rappahannock Station. He was by the side of General Burnham, his old regimental commander, when the latter was killed in the assault upon Fort Harrison, September 29, 1864. He was brevetted major and lieutenant-colonel, and awarded a special Congressional medal of honor for distinguished gallantry at Brook's Ford, Virginia, May 4, 1863. His brevets were awarded upon the personal recommendation of his old commander, General W. S. Hancock. Colonel Clark settled in Webster City, Hamilton county, Iowa, in 1866, where he soon came to the front as one of the leading lawyers of the State. Ten years later he removed to Cedar Rapids, where he was ten years the law partner of the late N. M. Hubbard. He has been in successful practice in the Supreme Court of Iowa since 1868, in the Federal Courts of Iowa since 1871, and in the Supreme Court of the United States since 1878. He is a member of the Grand Army of the Republic, of the Iowa Commandery of the Military Order of the Loyal Legion, and of the Medal of Honor Legion.

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LIEUT. GARDNER, of Company D, U. S. Dragoons, passed through our city a day or two since with his company, 49 in number, on a reconnoitering tour through the western part of our State. The headquarters of this company is at Fort Snelling, on the Mississippi.—*Western Democrat, Andrew, Iowa, September 6, 1850.*





ETIENNE CABET.

French socialist and leader of the Icarians. He was born at Dijon, France, 1788. Led the Icarians to Texas, 1848, thence to Nauvoo, Ill., 1849, and to Corning, Iowa. He died at St. Louis, Mo., in 1856.

## THE ICARIAN COMMUNITY.

BY CHARLES GRAY.

Doubtless comparatively few citizens of Iowa are aware that within its borders, in the county of Adams, about seven years ago, expired the last dying embers of a communistic movement which at one time was probably the greatest socialistic enterprise the world has ever seen, numbering its enthusiastic admirers and supporters by the thousands. I refer to the French colony, established about three miles east of Corning, in about 1858, under the name of the "Icarian Community." At no period of its life in America did Icaria boast so large a membership as many other socialistic communities which have at various times existed in the new world; indeed the zenith of its prosperity seems to have been reached before the Icarians departed from France with the intention of establishing a colony in America, in February, 1848.

Etienne Cabet, founder of Icaria, was conspicuously identified with the revolutionary movements in France during the early portion of the last century. In 1840, after his return to Paris from political exile in England, he published his "*Voyage en Icarie*," similar to More's "Utopia," in which an imaginary traveler discovers an ideal community based on the socialistic tenets which form the greater part of the foundation of all communistic doctrines. The French people, on account of the then recent political upheavals, seem to have been in just the right mood to accept Cabet's ideas, as promulgated in the "*Voyage en Icarie*," and soon many thousands were enrolled under his banner, with the avowed intention of establishing a community in the new world where the precepts of Icaria might be put into practice. To this end a large grant of land was secured in the then newly admitted state of Texas, and in February, 1848, sixty-nine enthusiasts, constituting what its members proudly termed the "advance



guard," set out from Havre, France, for America. On arriving at their destination, near the present site of Dallas, Texas, they were disappointed in finding that the land grant, instead of being one large tract as they desired and had expected, consisted of portions of sections scattered over a large area. This fact, combined with their utter lack of knowledge of agriculture, as exemplified in western ranch life, and the further fact that they were stricken with an epidemic of malarial fever, determined them to give up their present site for a colony in Texas and seek other and more congenial quarters. Nauvoo, Illinois, having just been deserted by the Mormons, was the most promising field, and the remnant of the Texas colony, joined by a second party from the main body of Icarians in France, in all about 250 or 300 persons, settled in the former stronghold evacuated by the disciples of Joseph Smith. This was in 1849. Cabet himself was with the colonists, having arrived with one of the later contingents from France. Nauvoo, however, was only a temporary camping ground, for soon a large tract of land was secured in Adams county, Iowa, whither a portion of the colonists came later. During the sojourn in Nauvoo the membership was increased to about 500 and the financial fortunes of the Icarians seem to have been recuperated for a time at least, until dissensions arose which led to a separation of the two factions engaged in the controversy. The trouble seems to have arisen chiefly from Cabet's desire to arrogate too much dictatorial authority to himself. As a result of this disruption Cabet, at the head of the minority party, went to St. Louis, Mo., where he died a few days after their arrival there. His followers, something less than 200 in number, sought employment, established themselves in a colony based upon communistic theories, and led a precarious existence for about five years, when the experiment was wholly abandoned. This branch was known as the Cheltenham wing of Icaria, so named from the estate upon which they settled near St. Louis.

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The misunderstanding at Nauvoo which led to the separation of the two factions, and also the death of Cabet, doubtless had much to do with the loss of enthusiasm on the part of the great mass of his disciples in France, who were anxiously awaiting the selection of a permanent abiding place for Icarians when they would join the commune. Evidently the cold, hard facts of existence could not be harmonized with the Utopian dream of the founder. At any rate, no more recruits came to America from France.

In 1860 the major faction remaining in Nauvoo, consisting of something more than 225 persons, removed to Adams county, Iowa, settling upon the land previously acquired there, and incorporating under the laws of the State as an agricultural society. The community owned a tract of 3,000 acres, but the same was heavily mortgaged, and at that time a suitable market for farm products was a long distance from Icaria. Corning constituted the local trading point. However, by cultivating the sheep-raising industry and taking advantage of the excessively high price of wool during the civil war, together with a surrender of more than half their land, the Icarians finally succeeded in getting out of debt.

Here, then, in Iowa, really began the permanent work-a-day life of these communistic enthusiasts. A large edifice was erected which served as an assembly room for the Icarians and also as a dining hall. Here were held all the public gatherings of whatever nature, and they were not a few. An amateur theatrical was often produced, and not infrequently a social ball enlivened the tedium of their existence. Outsiders were frequently invited to attend these social gatherings. Surrounding the assembly hall were the residences of the members, who preserved the family relation sacred. Everything in the community was held in common, and all funds went into a common treasury. A president had general supervision over the affairs of the society in its relation to the outside world, while the duties and assignments of members were made by a board of directors; thus,

one attended to making the purchases of food, another of clothing, another directed the labor of the members, etc. Matters of more than ordinary import were discussed in the general assembly, where a majority vote decided the action to be taken. Except in particular instances, women were excluded from the privileges of the ballot, and the usual age restrictions were placed upon the men. So far as I have been able to learn there never was occasion for complaint because of any member failing to fulfill his duties along the lines of manual labor. The peculiar zeal or enthusiasm of the members seems to have been such that each regarded his own portion of the work in building up the community as a sacred duty—a labor of love and sacrifice for the well-being of others, and all entered into the spirit of this idea with commendable zeal, to the extent that the assets of Icaria at one time reached the sum of \$60,000 or \$70,000. While a majority were employed in agricultural pursuits, yet other vocations were represented in the community, each member having the right to exercise his preference in the matter of occupation so long as the interests of the colony were subserved and the daily requirements were met. A tailor looked after the wearing apparel of Icarians, and a shoemaker performed a similar office in his line. A flouring mill, sawmill, blacksmith shop and other industries were fostered. The importation of Percheron horses at one time furnished no mean source of revenue to the Icarians, who were among the first to recognize the demand for imported stock in the agricultural country where they were located. The journalistic field was filled by the publication of various periodicals during the life of the colony. The "*Revue Icarienne*" was an exceptionally well edited journal, and for many years had a wide circulation in France among the devotees of Cabet. In the houses that constituted the homes of these Frenchmen were not a few men of superior intelligence who had had the advantages of education, and the library of the community contained something more than 2,000 volumes of the best

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**Literature.** The remnant of this fine library is now in possession of Tabor college, in Fremont county, Iowa.


Necessarily, in a community founded upon such principles as those of Icaria, where each individual enjoyed the same privileges as the other, the matter of dress and other expenditures was placed upon a sensible basis. Plain, but serviceable clothing was worn; good, wholesome food was served, and the right sort of literature was placed in the hands of its members. In matters of religion each individual might exercise his own ideas. Sunday was observed in the usual orthodox way and a moral atmosphere permeated the colony, though no religious dogmas in any way entered into the tenets of Icaria. In this particular Icaria occupied a field peculiarly apart from most socialistic experiments, the very foundations of which are usually certain religious theories. A portion of the time when the adjoining country was sparsely settled, Icaria furnished its own schools. While in a sense exclusive, in its dealings with the outside world the community always exercised tact and judgment, commanding and receiving the respect of all. Its members participated in the political movements of the country, and at the time of the civil war, if I am correctly informed, every male member qualified to enlist was enrolled in the Union army, where they made enviable records as soldiers. Mr. E. F. Bettannier, the last president of the colony and still a resident of this county, has always been an active Republican; and, indeed, such has been the political affiliation of every one of the Icarians—a rather peculiar fact. As the accumulation of wealth could not operate for the aggrandizement of the individual, there was small ambition among the members to build up great riches, and a reasonable degree of prosperity seemed to be very satisfactory to all concerned, though their early experience had impressed upon them the importance of keeping out of debt.

So long as the older members, who had together borne the hardships and privations of the early efforts of the com-

munity, were in control, matters ran along with little friction in the Iowa community. However, when the younger generation arrived at the age where their voices should be heard in the councils, various little dissensions arose, which culminated in 1877 in a split between the younger members and the old. After various unsuccessful efforts to settle the difficulties, an agreement was at last entered into whereby the old party secured possession of the eastern portion of the domain, and the younger party remained at the old site of the colony. An equitable and satisfactory division of land and effects was arrived at, and the old party proceeded to establish themselves in the new location under the name of New Icaria. The young people continued their organization in Iowa until 1883, when the few remaining (several of its members having withdrawn) went to Cloverdale, Cal., where had already gone several ex-Icarians. In California a new society was formed under the name of "Icaria Speranza," which existed for several years and then disintegrated.

The veterans of the old party, however, secured a new charter under the name of New Icaria and began anew the labors of establishing themselves. At that time (1883) their membership consisted of just thirty-nine persons, I am informed by credible authority. The organization continued very much on the old lines until 1895, when the membership had become so depleted that it was thought best to disband. Accordingly on February 16th of that year E. F. Bettannier, the last president of the society, was appointed receiver of Icaria and its affairs were adjusted as quickly as possible. An amicable division of the property was arranged and in 1901 the receiver made final report to the court and was discharged. At the time of dissolution there were twenty-one members in the community, with sufficient property to place all in fairly comfortable circumstances.

Thus ended one of the great world movements along the line of socialistic reform—an experiment which has so often been launched, and which has as frequently arrived at the





E. F. BETTANNIER.

The last President of Icaria, and receiver of the property at the dissolution of the Society, February 16, 1895.



same end as Icaria. In some respects this community was radically different from any other of which I have any knowledge, notably in having no religious ideals to unify its membership; but it did not escape the common fate of all communistic settlements. However, it is not my purpose to theorize in this article, but briefly to give the history of one of the unique undertakings which for a time flourished within the borders of our commonwealth.

The requisites for admission into Icaria were an abiding faith in the communistic idea, and the turning over of all one's real and personal property to the society, for which no compensation was made and which could not be reclaimed, according to the constitution. A member's time and services were always at the disposal of the community, and he received no pecuniary reward therefor. An absence of three days without consent from the proper authorities rendered a member liable to censure or expulsion. Offenses against the society were punished by public reprimand. In aggravated cases the offender might be deprived of the privileges of membership. Propositions of names for admission must be made when three-fourths of the voting members were present, and a nine-tenths vote was necessary to elect. Novitiates were received on probation of three to six months. Withdrawals could be made on giving fifteen days' notice of such intention, and expulsions required a nine-tenths vote of all the members entitled to franchise. The expulsion of a member included his wife and minor children, the latter being at all times subject to the will of a majority during the membership of their parents in the community. The president, secretary, treasurer, and board of directors were elected in February of each year, on the anniversary of the sailing of the first Icarians from France to America.

In concluding, it may not be amiss to mention some of the notable persons who have at one time or another been identified with Icaria. Alcander Longley, founder of the Mutual Aid community at Glen-Allen, Mo., was a member



some time in the early 60's. He was identified with no less than nine different communistic settlements and edited a newspaper called the "*Communist*" at various times and places during his checkered career. Prof. A. A. Marchand, several times president of Icaria and an able editor of "*Rerve Icarienne*," was a talented member whose sterling qualities were much admired in Corning. He was one of the first of the vanguard to leave France, and was also a member at the time of the dissolution of the colony, after which he removed to Florida. A. Picquenard, a member of the society at Nauvoo, became celebrated as an architect. Our own state house and the capitol building of Illinois are monuments to his genius. Don Ignatius Montaldo was a friend and companion of Garibaldi and Chateaubriand, the distinguished French author and statesman. Hearing of the Cabet movement, he joined the colony at Nauvoo. After several years he left, but later rejoined in Iowa, where he died. His eldest brother was judge of the supreme court in Spain. Another brother, who was crippled in the Union army, was at one time professor of Spanish in the Naval academy at Annapolis, Md. Antoine von Gauvain was a descendant of a French nobleman who had been decorated with the cross of the Legion of Honor. Mr. Gauvain was educated in Berlin. He edited a newspaper in New York for a time and then joined the Icarians. He enjoyed the distinction of being one of the best educated men in Iowa, for a number of years giving private instruction in Greek, Latin, German and French to pupils who eagerly sought his tutelage. E. F. Bettannier, last president and receiver of the colony, has for many years been a conspicuous citizen of Adams county, identified with many of her progressive movements. The satisfactory adjustment of such large interests in closing up the affairs of the community proves him a man of superior business ability. To him the writer is indebted for practically all the facts herein contained, for which acknowledgment is hereby made.

CORNING, IOWA, May, 1903.





VERY REV. J. A. M. PELAMOURGUES,  
Missionary priest and educator. Distinguished  
in the annals of the Roman Catholic  
Church of early Iowa.

VERY REV. J. A. M. PELAMOURGUES, V. G.

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BY REV. J. F. KEMPKER.

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This name is inseparably associated with the early Catholicity of Iowa, and especially with the place which bears the name of his patron—St. Anthony's church, Davenport, Iowa—and whose beginning forms a part of our hero's life history.

An old and very interesting landmark of that promising city is the church organization formed with the beginning of the town on the sacred place which was named on the old city plat, "Church Square." This is St. Anthony's church, the oldest congregation in that part of the country, for which the building was constructed of the first brick manufactured there. It is spoken of everywhere in the State in the narrations of pioneer lore, and there is a hallowed charm in the contemplation of this old church square.

The site was secured through the efforts of Very Rev. Samuel Mazzuchelli, together with several early catholic settlers, and now lies in the heart of the city. Father Mazzuchelli resided in Dubuque in 1835, and occasionally celebrated Holy Mass and administered the sacraments in Davenport and Fort Stephenson (Rock Island). In 1838 he worked out plans for a building, to be about twenty-five by forty feet, two stories high and of brick, to serve the purpose of church, school and residence. Antoine and Margaret Le Claire, to whom the catholics of Davenport owe a lasting debt of gratitude, took a leading part in the pious enterprise.

On the 27th of April, 1838, ground was broken for the new church, which was built according to specifications. Having been completed in 1839, on the twenty-third day of May, the same year, Rt. Rev. Bishop Matthias Loras, assisted by the Very Rev. S. Mazzuchelli, dedicated the new edifice for its future career of grace and blessing. The faithful members surrounded their amiable prelate beseeching him to

send them a resident pastor; to whose petitions the bishop acceded. Subsequently Father Pelamourgues was appointed, arriving in the latter part of August, 1839, to enter upon his charge. He had but just returned to Dubuque, on the Mississippi, from Minnesota, whither he was delegated on a missionary visit.

He was a native of France, where he had been ordained to the priesthood and had accepted a prominent place in a body of young missionaries. Bishop Loras, on his visit to France in 1838, won him for his American missions, and a company



ST. ANTHONY'S SCHOOL.

comprising Bishop M. Loras, Father J. Cretin, Abbe Anthony Pelamourgues, and the four students, Augustin Ravoux, Lucien Galtier, J. Causse, and R. Petiot, set sail for our shore. They arrived in New York harbor in October with grateful hearts; the sea had been so rough that all, including

even the captain, despaired of ever living through it. The priests attributed their safe arrival in port to the intercession of St. Cessianus, whose body the Bishop carried with him. On his departure from Rome in June, Pope Gregory XVI had given to Bishop Loras the relics of St. Cessianus, which he translated to his see in Dubuque, and during the voyage they celebrated mass several times upon an altar over these relics, praying for a safe passage.

On their arrival the band separated, leaving Father Pelamourgues in the seminary at Baltimore, to pursue the study of English, while his associates became weather-bound in St. Louis, where they spent the winter in preaching missions and performing spiritual duties. In early spring they united in St. Louis, were joined by Very Rev. Samuel Mazzuchelli from Dubuque, and all took passage on the first steamboat of the season up the Mississippi. They landed at Dubuque on Friday, April 19, 1839, amid tremendous excitement and an overwhelming welcome from the entire population. On Sunday, April 21st, Bishop Matthias Loras was solemnly installed in his cathedral, assisted by the entire clergy above named.

All the traditions and written passages of those days indicate the saintly character of our hero, for Father Pelamourgues was a priest of remarkable zeal and piety.

In entering on his duties as pastor of Davenport he took up his quarters in the new building, a useful enough structure for the times, and immediately commenced to identify himself with the spiritual interests of his people, not neglecting to give fatherly and well considered advice in temporal matters wherever opportunity afforded. The prosperity of his people as well as of the entire city, awakened his interest and sympathy. He soon proved himself to be a competent and sound adviser on all subjects which promoted their well being, and his opinions gained high regard among all classes. He was assiduous and untiring in the preaching of the gospel and imparting instructions of the faith. The



poor he loved and visited the sick in their afflictions, bringing consolation and assistance with more than empty words. He personally conducted the first school in Davenport, which was kept in the church building as a parochial school, and he continued for many years to be the school teacher. He not only assisted, but took a leading part in the public meetings of the town, for which his school rooms were always open when the interests of the community called for them. While his school became noted as an institute of education, and people began to look up to him as a city father, his silvery primitive bell voiced the town signals. In the warnings of fire or danger, as well as the calls for duty or festi-



ST. ANTHONY'S CHURCH AND PARSONAGE.

vals, Father Pelamourgues himself was often the first to sound the peals from his well known bell. His shepherd's voice and good example contributed to the record of Davenport's beginning.

During his pastorate, hard years and many embarrassments were the lot of early settlers, amid which, however, he continued onward in the even tenor of his way. In 1852 the time had arrived when he could carry out his favored project of erecting a new church of stone for his increasing

flock; the building which is used at present in the improved restoration. But being called to France at this time, Rev. G. H. Plathe was appointed in his place, and it was this most worthy, pious, zealous and talented priest who superintended the construction of the church. In July, 1853, Father Pelamourgues returned to his home in Davenport, and succeeded in completing and using the church at the close of the same year.

In the development of the parish, Father Pelamourgues was very effective in gaining means and teachers for his schools. In 1846 he had some Sisters of Charity, B. V. M., of Dubuque, established in Davenport, who, among many vicissitudes and with his aid, finally established the Sisters' Parochial School successfully and on a firm foundation, and opened the academy of the Immaculate Conception which has since become famous as an institution of the highest culture for young ladies.

In his official capacity as vicar general of the diocese of Dubuque, he was several times connected with important undertakings, and used such care and zeal as the high office required. He was honored with the confidence and trust of his superiors and fellow-priests which was often manifested in seeking his advice, and intrusting to him delicate and important missions of diocesan administration.

Father Pelamourgues was at first the only priest in a large territory, and for many years attended other places as out-missions, among which may be named Muscatine, Iowa City, Burlington, Columbus Junction, DeWitt and Lyons. Traveling was in those days very trying. The hard work and the dangers of the way were frequently forgotten in the joy and consolation which the priest was able to bring to the distant members of his scattered flock. Results would force a smile even in disappointment.

Father Pelamourgues advocated the liberal use of holy water. His small mission in Burlington seemed to appreciate this, for he blessed a goodly supply and yet it was all



taken; at this the good abbe was edified, until one of the parishioners informed him that the non-catholics in the heated summer mistook his holy water for drinking water. The next time Father Pelamourgues added more salt, and the holy water was found less palatable.

Bishop Loras estimated that there were about 30,000 Indians in his diocese and was exceedingly anxious for their conversion. In apportioning missionary work among them, he gave to Father Ravoux the Sioux, Father Cretin the Winnebago, Father Mazzuchelli the Wisconsin tribes, and to Father Pelamourgues the Sacs and Foxes. Father Pelamourgues could do little with them; but once while visiting his flock in Burlington, he was told of a moribund Indian out in Agency City. He immediately journeyed thither to assist the dying, but at the Agency was halted by the guard on duty, who informed him that he could not enter the reservation on pain of imprisonment. Like St. Peter and St. John, Father Pelamourgues thought that in the line of duty he should listen to God rather than to man and went onward to seek the dying man. He was made a prisoner under guard until the return of General Street, who had been called away for two or three days, and thus Father Pelamourgues suffered imprisonment for the faith.

Among the high honors accorded Father Pelamourgues was the appointment to a bishopric by Pope Pius IX. In 1850 St. Paul was established as a diocese, and the appointment as first bishop of the new diocese was sent to Father Pelamourgues. He, however, refused to accept the high honor, and in his declination sent to Rome such reasons as were sanctioned by the Holy Father, and our hero remained the humble parish priest, through his own choice and self-abnegation.

However, his fond attachment for Davenport is well known and he entertained the hope that some day the distinction would be given it which came in 1881 when it was made an episcopal see.

A magnificent tribute was paid Father Pelamourgues by his life-long friend and associate, Very Rev. Philip Laurent, the most deserving, saintly and scholarly pastor of Muscatine, who was honored in completing the fiftieth year of his priesthood and pastorate in his charming home city, and who, since then, was called to his reward December 2, 1902.

At the head of early catholic educational institutions in Iowa stands Father J. A. M. Pelamourgues' school, the first of any kind in Davenport. There were no public schools organized when Father Pelamourgues, most simple, self-denying, apostolic man, devoted himself to the hard task of teaching, and opened a school in the old brick church, built by Father Mazzuchelli, which still stands behind St. Anthony's church. This building answered for church, school, and pastoral residence. The apartments of the priest-schoolmaster were a corner of the gallery partitioned off by rough boards. The choir, to which belonged Judge Mitchell, Antoine Le Claire, Joseph Motie, Joseph Clarke, Miss Rose Clarke, Mrs. Lou Hebert, Mary Finch and others, was taught by the Father. There were no organs and no melodeons in those days, but they had flute, clarinet, cello and violin, and made the best music in the State. Under the gallery in the body of the church, school was taught by the priest, a curtain veiling the sanctuary. Judge Dillon, now of New York City, one of the best known legal authorities of the two continents, was a pupil in Father Pelamourgues' school in the earliest days.

In 1845 some B. V. M. Sisters came to Davenport, but times were too hard and they left at the end of the year. In 1855 they came back and organized their famous academy. In 1868, after having kept his school all those intervening years without flagging or becoming tired, Father Pelamourgues went to his native Rodez for a visit. His intention was to come back to Davenport, from which his heart could not be wrenched. All his letters from his Aveyron home were breathing the greatest love for scholars and for Davenport; circumstances prevented his return, and he died an exile, strange to say, in his native country. He has not been forgotten here, however, and his name is still a household word in Davenport.

Father Pelamourgues remained in Davenport as pastor until 1868, when he resigned and returned to his native France, where the Lord called him to his reward in the maturity of years, in 1875. He was universally esteemed by all as a man full of merit, strong in character, loyal to duty and a benefactor of mankind.

## ANOTHER IOWA BONE BED.

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BY PROF. F. E. L. BEAL.

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During my connection with the Iowa Agricultural College at Ames (1876-83), my vacations, which occurred in the winter months, were mostly spent roving over the neighboring country, studying the bird-life of the region, and incidentally anything else that attracted my attention. Two or three miles northeast from Ames on the eastern side of the Skunk river bottom there is a barren, gravelly area covered with a dwarfed growth of shrubs, and in shape a series of ridges which extend out into the bottom land like the fingers of an outstretched hand. Walking out upon one of these ridges one day, I was surprised to come upon the remains of a large skull which a few moments' inspection showed to be that of a buffalo. I was at first astonished to find this relic so far from any place the buffalo were then known to inhabit, but a little reflection recalled the fact that in former times great herds of these creatures had roamed over the Iowa prairies, and left their bones in its soil. Still I was puzzled to account for the state of preservation in which the relic was found, for no bones could have lasted for a century or more exposed on the surface of this dry ridge. At the foot of the slope and on both sides of the ridge, however, were spread out several acres of soft, wet bog, intersected by a deep ditch cut out by the water that issued from springs at the foot of the gravelly slopes. I promptly surmised that this bog was the real repository of the buffalo bones, and that the skull I had found had been taken from the bog and carried up to the top of the ridge by human agency. Moreover the bones were black as ebony, showing their contact with black mud. Having reached this conclusion, I descended the slope and began a search for more bones. I soon found that I had come upon a real cemetery of the buffalo. In every place where the grass and weeds had been cut away

by the running water, pieces of ribs or leg bones could be seen sticking out of the mud, and occasionally the great horn cores would betray the presence of a skull. All of these bones were stained nearly jet black by the years of soaking in the black mud in which they were imbedded. Finally, I began an exploration of the main ditch, which ran through the bog and was the principal outlet of the surplus water. At the time of my first visit there was but little water running, and I was able to walk up the ditch with very little inconvenience. Where I first came upon it, the depth was about six or seven feet, but it increased in depth toward its upper end where it was nearly ten feet deep and quite broad. At this place a sudden widening had occurred, owing to a mass of earth that had slid down from one of the banks and been washed away. I was startled to see the almost perfect skeleton of a huge buffalo bull, left exposed by this downslide of earth. The bones were nearly all in place, the skull, the curved spinal column and the large leg bones all standing out in bold relief. The skeleton was about four feet below the surface and evidently just where the animal had got mired and sunk in the treacherous bog.

Some months after this discovery I found some buffalo bones in a small piece of marshy ground near the Agricultural College, at a point near the pumping station. A drainage ditch dug through this marsh exposed a number of bones all of the same characteristic black color. At the time of discovery it seemed impossible that the buffalo could have been mired in this place, for domestic cattle and hogs crossed it every day, but it might have been broader and deeper in earlier times. It is probable that every marshy piece of land in Iowa contains some of these relics of a former race, and it is not improbable that many bones besides those of the buffalo are entombed in these places. The antlers and bones of an elk were found in digging a ditch in the woodland of the college farm.

DEPT. OF AGRICULTURE, WASHINGTON, D. C., Feb. 1903.

The writer of this note, about the year 1882, one day received an invitation from Prof. Beal to come to his home in Ames and spend a day out among the birds and trees. The invitation was gladly accepted. (In those days Prof. Beal was by all odds the foremost writer on the birds in Iowa. He wrote a series of articles for *The Des Moines Register* which should have been printed in a book.) So, one morning we started out. Walking west on the track of the Chicago & Northwestern Railway until we were abreast of the college, we then struck off to the northeast across the wide bottom land and through the timber to this old bone-bed. We found it precisely as he describes it, but I differed with him as to its origin. In my judgment there had been, at some time long ago, a washout in the bluff which must have been from fifteen to twenty-five rods across in either direction. Where the original brook or runnell had dropped down to the river bottom, this waterway had been dammed, possibly by a community of beavers, but more likely by an accumulation of brush and dead grass and weeds. Once such a dam was formed, the accumulation of muck or peat was the most natural thing in the world, and the dam would be kept in repair by the constant additions of the same material of which it was composed. In time the peaty substance accumulated to the depth of from four to six or seven feet. Perhaps the water in those days carried an infusion of salt, or was what is called "brackish," like the "deer-licks." This may have been a veritable "deer-lick," where wild animals went to drink the brackish water. At all events, there were several feet of soft mud into which the beasts had walked and perished, or they had been driven into the quagmire by the Indians. The skulls were in a perfect state of preservation, not at all mineralized, but jet black in color. We broke small fragments from them, and found the inside of the bones to be pure white, without a suggestion of discoloration. The other bones were so far decayed as to have become quite fragile. Hundreds of these animals must have perished in this locality. At the time of our visit two or three little brooks had cut deep channels through the black deposit, in many places going down to the whitey clay, which formed the bottom of the ancient pond. The beds of these brooks were strewn with bones.—CHARLES ALDRICH.

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The above articles were referred to Dr. Charles A. White, of Washington, D. C., who will be remembered as the State Geologist of Iowa (1876-80). He wrote concerning them as follows:

DEAR MR. ALDRICH:—Prof. Beal's article and your added note are well worth publishing. I never made any such discoveries in Iowa, but they are just what may be expected in numerous places. I think that all ruminants and pachyderms were fond of the sulphuretted hydrogen water of many of the bogs as well as of the common salt that some of them may have contained. I therefore think that the suggestion that other bones than those of the buffalo may be found there is a good one. Mammoth, mastodon and peccary bones should be looked for, as the bogs doubtless began their treacherous work before the extinction of those animals.

CHARLES A. WHITE.

## GENERAL ROBERT LUCAS.

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General Robert Lucas, the present Governor of Ohio, was born on the first day of April, 1781, in Jefferson county, and state of Virginia. He received a common school education, and was instructed in the mathematics by a Mr. McMurrin, of Sheperdstown. In 1802, he moved with his father and family, and settled near the mouth of the Scioto river. The next year, shortly after the organization of the state government, he was commissioned a lieutenant of volunteers, directed by the President of the United States, to be raised in Ohio, and held in readiness, to march and take possession of Louisiana, in case the officers of the Spanish government should refuse to give possession of that country, in accordance with our treaty with France. For several years after he held numerous offices, both civil and military; and in 1808, while a lieutenant-colonel of the militia of the state, he raised a company of volunteers, from his regiment, under the act of congress of the 18th of April, 1806; and was elected and commissioned captain of the same.\*

In 1812, having previously been commissioned a brigadier-general of a brigade composed of the counties of Scioto, Pickaway and Ross, he raised a battalion of volunteers, therein, marched to Dayton, and organized there, under the command of Major-General James Denney, and while at Dayton, was employed by Governor Meigs, as a special messenger to Detroit, and performed the duties required of him to the satisfaction of the governor. He met General Hull's army in the wilderness, attached himself to the spies, marched into Canada with the first detachment of troops, and was one of the "forlorn hope." General Lucas was the first man who crossed the river Aux Canards, when Colonel Cass dispossessed the British of the bridge over that river. He was with the spies during the whole of Hull's campaign, and with

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\*That commission is now in the possession of the Historical Department of Iowa.

Major Vanhorn's detachment at Brownstown, at the battle of which he had a horse shot under him.

In the year 1813, he marched with his brigade to the relief of Fort Meigs and Lower Sandusky, under the immediate command of Governor Meigs.

After the close of the war he was elected, by joint ballot of both houses of the general assembly, a major-general of the militia of the state; which office he held at the time he was elected governor.

General Lucas' public services, in a civil capacity, have been as valuable to the country as those rendered during his military career. As early as the year 1808 he served in the house of representatives; and was, subsequently, repeatedly elected to the senate, in which body he presided as speaker several sessions. In 1820, he served as an elector of President and Vice-President of the United States, and voted for Mr. Monroe and Mr. Tompkins; and in 1828, acted in the same capacity, voting for General Jackson and Mr. Calhoun. He was elevated to the distinguished position he now holds, in the autumn of 1832.

Governor Lucas is now and always has been, a warm friend to internal improvements by roads and canals—he is friendly to common schools, and to the cause of education generally; and has voted for every appropriation which has ever been made by the legislature (while he had a seat in that body), for the benefit of education. In his manners, he is a plain, modest, gentlemanly man, moral in his habits and benevolent in his disposition. He has been a surveyor of lands, and a farmer all his days. It is scarcely necessary to add, that his immediate neighbors have always testified strongly in favor of his merits, as a man, and as a public officer. Though in very comfortable circumstances, as to property, he has been too much in office to be very wealthy. He has been twice happily and respectably connected in marriage, and is now surrounded by a large and interesting family of children.

The above brief sketch is all that my leisure now enables me to give of the life of my friend Robert Lucas; but as soon as I find the leisure, I will endeavor to fill it up with such incidents as my long personal acquaintance with him enables me to furnish hereafter. And, I have long been collecting materials for biographical sketches of a large number of our first settlers—such as Governors Meigs, Morrow, Trimble, and Worthington; of our members of congress; of the general assembly; judges of the supreme court; our most distinguished lawyers, physicians, and divines. A future edition of this work will offer me a place for all such writings or sketches.—*Writings of Caleb Atwater, Columbus, O., 1833.*

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#### THE EASTERN BORDER OF IOWA AS SEEN BY EDWARD TANNER IN 1818.

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Edward Tanner, of New Madrid county, Missouri Territory, was an elder brother of John Tanner, who when a boy was taken captive by Indians, in 1790, in one of their raids into Kentucky, and was carried off no one knew where. In one of his journeys in search of him Edward Tanner went up the Mississippi river. He left St. Louis on the 15th of August, 1818, in company with Thomas Forsyth, the long-time and faithful agent of the Sac Indians (ANNALS, v, 546-7). An account of his voyage was published in *The Detroit Gazette*, Jan. 8, 15, 1819, and reprinted in *Wisconsin Historical Collections*, viii, 287-292.

The following extract relates to the eastern border of Iowa:

The Mississippi is generally from three-fourths of a mile to three miles wide, interspersed with numerous islands clothed with the richest growth of timber, but subject to inundation. The river is at no time so low as not to afford water sufficient to float crafts drawing four feet of water. There are two rapids in the river, but neither of them materially obstructs navigation. About ninety miles from Prairie du Chien, and seven miles from the west side of the Mississippi, is a lead mine which is worked by



the Fox Indians. The women dig the ore, carry it to the river where they have furnaces, and smelt it. The mine is called De Buke's, and is very rich and productive. The Indians have lately discovered another in the vicinity, only four feet below the surface, and said to be rich. So deeply rooted is the jealousy of the Indians, that they allow no trader to build his hut on the side of the river in the vicinity of these mines.

The first tribe of Indians after leaving St. Louis is the Ojibways (Ioways). This tribe live about one hundred miles from the west side of the Mississippi on the Menomonee (Des Moines) and have about four hundred warriors. The next tribe are the Sauks, who live on the Mississippi, and about four hundred miles above St. Louis. They emigrated from the Outaconsin about thirty-five years ago (1783). Their military strength is about eight hundred warriors, exclusive of old men and boys, divided into two divisions of four hundred men. Each division is commanded by a war chief. The first are those most distinguished for deeds of valor; the second the ordinary warriors. They have also two village chiefs who appear to preside over the civil concerns of the nation.

The next tribe is the Fox Indians. This tribe have a few lodges on the east side of the Mississippi near Fort Armstrong, and about four miles from the Sauk village. At the mine De Buke they have another village and another on Turkey river, thirty miles below Prairie du Chien. Their whole military strength is about four hundred warriors. They are at this time in a state of war with the Sioux; and as the Sauks are in strict amity with the Fox Indians, and have the influence and control of them, they are also drawn into the war. This was in consequence of depredations committed by the Fox Indians on the Sioux.

A narrative of the captivity of John Tanner was published in 1820. It was edited by Edwin James, and reprinted in London, 1831. An interesting notice of Edwin James by George Frazee is in *THE ANNALS* iv, 125-7.

W. S.

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A BONA FIDE settler ought to be protected while he is striving to secure an honest home against the grasping speculator. He who could rob a settler of his home or improvements, takes so much property from him, and though his act may not be cognizable as a crime by the law, he is nevertheless as morally guilty of a crime as though it had been done in defiance of the law.—*The Andrew Western Democrat*, February 19, 1851.

## PUBLICITY IN OUR LOCAL FINANCE.

BY F. I. HERRIOTT, PH. D.

The general assembly of Iowa in 1902 enacted a law (Ch. 23, acts 29 G. A.) that requires county auditors to prepare and boards of supervisors to publish annually in pamphlet form, a report in detail of all classes of county expenditures during the calendar year, together with comparative statements of each class of expenses covering, as soon as the reports will enable, periods of five years preceding each report. The new law contemplates an extensive, minute and elaborate report of the various local charges. In addition this annual report shall contain the reports of local magistrates to the board and those heretofore made by the county auditor, clerk of court, recorder, sheriff, soldiers' relief commission, and of all committees appointed to examine the affairs and accounts of any county officer. The attitude of county authorities toward this law has been more or less adverse, partly because of the added labors required of the officials, partly because of the expense of printing the report. From our information one-fourth to one-third of the county boards have neglected or refused to authorize the printing of the report, although the law makes it mandatory.

Judging from some of the observations, official and other, that have appeared in the press of the State during the past year, one may infer that the public is under the impression that the recent law requires something novel and extraordinary in our public accounting and local finance. A slight investigation, however, into the development of our statutes governing the publication of the financial transactions of local boards and officers, will convince one that the act of 1902 is not something wholly new under the sun. We may find its prototype, if not its lineal progenitor, in the ordinances enacted in the early days of Michigan which Iowa inherited when the territory was placed under the jurisdiction of Michigan in 1834.

On May 8, 1820, an "Act to provide for the appointment of county commissioners and for the raising of county rates and levies" was signed by Governor Lewis Cass and two judges. By the provisions of section 16 the commissioners were required to "publish a fair and accurate statement of all receipts and expenditures of the current year" in one of the county papers. Where there was no paper this statement was to be placed "upon the door of the court house in the month of December annually." The commissioners were to "enumerate the respective sums paid into the county Treasury and also designate the various sums expended for the erection or repair of public buildings, and Bridges, for the opening of Roads, for the support of prisoners, for the expense of public prosecution, for the support of the poor, and for the support of the commissioners and their clerks, or for any other object, together with such other items, as they may judge, will have a tendency to convey general information on the various transactions of the year." (Ter. Laws, Mich., Vol. I, 668-9.)

In 1837 the territorial legislature of Wisconsin in recasting their statutes governing county organization reduced the specifications as to what the annual report should contain to zero, and simply directed the commissioners to make annually a "fair and accurate statement" of receipts and expenditures and to "have the same set up at the court house door" and published in one county paper. A penalty of not to exceed \$200 was to be inflicted for neglect to carry out the law. (Acts Wis. 1837-8, Act of Dec. 20, 1837, Sec. 10.) This enactment was reproduced verbatim by the first territorial legislature of Iowa and continued unchanged until 1843. (Laws 1838-9, Act of Dec. 14, 1838, Sec. 10.) In the "Revised Statutes" adopted in that year the county commissioners were required to include in their statement of receipts and expenditures "a full and particular description of each item, from whom, and on what account received and to whom and on what account expended, together with an

accurate statement of the actual condition of the finances of the county at the end of each fiscal year, including all debts and liabilities of every description, and the assets and other means to discharge the same." (Act Feb. 15, 1843, Sec. 8.)

When the revolution from the county commissioners to the county judge was wrought by the Code of 1851, the county judges were directed, in brief general terms, to make out a "minute statement" of all receipts and outgo of county funds, and of the debts and assets to meet them, and to post copies at the court house door and at two other public places in the county. (Code '51, Sec. 105.) Upon the reorganization in 1860 the boards of supervisors were required to publish, "after each regular or special meeting," a "schedule" of the county income and expense which should give the names of "all claimants, the amount claimed and allowed, for what purpose allowed," and "a full statement of the amounts of the treasurer's accounts at the last settlement." (Rev. 1860, Sec. 313.) In 1866 boards were required to select two official newspapers and to have their "proceedings" printed therein (Ch. 118, 11 G. A.). This enactment was continued practically without change in the Code of 1873 (Secs. 304-305), and was continued up to 1884 when boards were required to select two official papers in which were to be printed not only the schedule of current income and expense, and the "proceedings" of the board, but "the reports of the county treasurer." (Acts 20 G. A., Ch. 197.)

The recent act of 1902 does not repeal any of the foregoing laws in force at the time it took effect, but supplements and adds to the provisions respecting the publication of the transactions and financial operations of county boards and officials. It is a bill of particulars, so to speak, of what shall be published. Its specifications are numerous and minute, the author evidently realizing that experience warrants the presumption that details will not be given unless ordered in set terms. The county auditor must now show the salaries, fees and expenses of each office, clerical hire, office supplies,

printing, postage, etc.; the expenses of elections, printing ballots, registration; the expenses for the courts, attorneys, jurors, witnesses, sheriff's or bailiff's fees; the expenses of justice's courts, coroners and constables; the outlays for the poor, whether indoor or outdoor; for the insane, whether in county or State asylums; for the care of prisoners, together with each of the various classes; the expenses for the enforcement of the liquor laws, condemning liquors and securing convictions, the amount of fines collected and the amount of mulct tax assessed and collected. Along with the statement exhibiting all these county charges, the board of supervisors must print all of the reports of county officers and special boards and committees to which we have already referred. It is to be observed that this act of 1902 is but an enlarged edition, brought up to date, of the Michigan ordinance of 1834 and the territorial statute of 1843.

An examination of the reports compiled this year shows that all sorts of constructions have been placed upon the new law by county officials. Some reports are extended, detailed, elaborate, and lucid and illuminating in method of presentation with frequent summaries and recapitulations that give complete views of aggregate receipts and expenditures. This is notably true of the report of Clayton county prepared by Auditor J. G. Hempel. The reports of Fayette, Hardin, Grundy, Lyon and Winneshiek far exceed the average compilation in the amount and variety of the information given. Some, however, are very brief, consisting in large part of official directories of county and township officers. Thus the report of Lee county contains but eight pages, only three of which are devoted to a summary of expenditures; that of Clarke county gives three pages to directory and but six to its financial statement. There is the greatest variation in contents. Some give reports of auditing committees, but most do not have them. In a few, township expenses are set out in great detail for each township; in others they are presented in the briefest sort of fashion, or not at all. The same

is to be observed as to transactions of courts and justices of the peace, land valuations, and election returns. Finally, there are a number of counties that make no report whatever under the new law.

Another extremely important measure affecting our local finances was passed by the assembly in 1902 that supplements the statute just outlined, namely, the law respecting the method of accounting for the financial transactions of cities and towns (Ch. 37, acts 29 G. A.). This act constitutes a genuine innovation in local fiscal administration in Iowa. Prior to its passage municipal accounts were kept in such wise as the local governing boards might require, but in most cases as the accounting officers themselves severally saw fit to keep them, and this was in divers fashions. There never had been a specific statutory requirement of the annual publication of the treasurer's transactions and the condition of the city's treasury, and but few cities have ever published such reports. Under the present law, however, the municipal bookkeeping must exhibit in detail, and under separate and appropriate heads, all funds whatsoever collected, received, and expended, the sources and purposes thereof. Separate accounts must be kept with each appropriation, and the date, amount, manner and payee of each payment thereof must be shown; and such accounts must be maintained for each department, public improvement, or undertaking. Furthermore each municipality must publish annually at the close of the fiscal year in at least two local newspapers, if such there are, or if none then post in a public place, a report giving in summaries all collections of funds, and the amounts due and uncollected, and all expenditures and the purposes for which made. This report must also include a statement in detail of the cost and expenses of operation, and the income from all public utilities; and a report of the amount and character of all municipal indebtedness.

The State is indebted to Hon. F. S. Payne, the representative of Appanoose county, for the introduction of the

measure affecting counties, and to the municipal code commission, of which Hon. J. H. Trewin, senator from Allamakee county, was chairman, for the law respecting municipal accounts and reports. The passage of these two acts marks a very great advance in the methods of local finance here in Iowa. For sundry reasons, taxpayers in Iowa have been rather backward, or rather indifferent, about requiring detailed public reports from their fiscal officers in cities and counties and other minor civil divisions. Repeated efforts have been made to secure greater uniformity in methods of bookkeeping, and more thoroughness in auditing, but they have usually been unsuccessful. The enactment of these two statutes constitutes, therefore, an achievement of more than usual significance.

In four important respects the present laws should be amended to render them more efficient in promoting publicity in local finance.

First. The clause of the former permitting boards of supervisors to determine the number of the county reports that shall be printed enables them, if they so desire, to nullify the law, as they have done in many instances, by simply refusing to fix upon any number at all to be printed. A minimum number to be published should be prescribed with specifications as to the distribution of a certain number *pro rata* throughout the minor civil divisions among at least local officers and boards, schools and newspapers. Those who are entitled to know what these local charges are will thus be insured the means of acquiring the information if they desire it. Our experience in Iowa has long demonstrated that it is very unwise and unsafe to give any public functionary or body having charge of the general collection, custody and disposal of public funds discretion to say what, if any, sort of a report he or they shall make to the public as to the character and range of their transactions. All sorts of reasons, from puerile and futile excuses on grounds of alleged economy and lack of time, to perverse and indefensible

purposes, will induce the non-enforcement of the law or the reduction of the reports to a miscellany of innocuous summaries. Old residents of Iowa will recall the arbitrary discretion often exercised by county boards and treasurers, years ago, regarding the publication of the tax lists, and the perversions and oppression frequently resulting.

Second. The publication of the report of municipal finances in newspapers is inadequate. There are precisely the same reasons for a regular report in pamphlet form of our city finances, particularly in cities exceeding 5,000 inhabitants, as there are for the publication of the county finances. The publication in a newspaper is, of course, a tremendous advance over the previous condition of things; but a newspaper is a transient record, and is not a practicable or convenient permanent record for such financial statements for our cities as are urgently needed. They are difficult for the average citizen to preserve because bulky and so easily mutilated. As a matter of fact, few people do keep them and when a community suddenly becomes greatly interested, especially in a political campaign, in some outlay, they find it very difficult to recover the information. Whereas an annual report in pamphlet form can and will be preserved in private collections, and public libraries, and archives, and be readily accessible when needed. What is pertinent, too, the cost of printing will not be very materially greater while the usefulness of the pamphlet report is a thousand fold more than the same printed in the official newspaper.

Third. It is not quite clear what the effect of the recent act is upon the publication of the proceedings of boards of supervisors. The act of 1884, as incorporated in the Code of 1897, seems to be unaffected. The objections just urged against newspapers as forms for publishing financial reports, apply with equal, if not greater, force to the quarterly or semi-annual reports of the doings of supervisors. Taxpayers would have a much more satisfactory and serviceable record of their proceedings if they were printed annually in



book or pamphlet form. This provision for such reports should be made to apply to the proceedings of city councils. For obvious reasons these reports should be printed separately. The cessation of the printing in official papers three or four times every year of the proceedings of the several sessions of county boards should be authorized. The substitution of the annual report here suggested would do away with the chief objection now urged against the new statute, viz: the duplication of records and the expense of printing. It is to be remembered that between eighty and ninety per cent. of our tax burdens in Iowa are local. The citizens and taxpayers are, therefore, much more decidedly interested in their city and county taxes and expenditures than they are in their state taxes and outlays. The reasons that make it advisable to publish the biennial proceedings of the legislature are therefore more cogent as regards supervisorial and aldermanic bodies. Taxpayers desire to know, and should know, not only what their public burdens are and who receives the benefits from the public treasuries, but who or what was responsible for their ordering. Printed thus in serviceable form, showing in detail, as do our legislative journals, the proceedings from day to day, or session to session, in which each man's doings, his measures, votes, absences and actions are set out without mitigation just as they took place—the annual reports of meetings of boards and councils, would afford taxpayers a fund of valuable and necessary information. Public debate would be keener and more intelligent, and this would have a marked tonic effect upon the minds and activities of members of such bodies. They would be more zealous, alert, and conscientious in the performance of their duties. Experience has demonstrated this in unmistakable fashion.

Fourth. County and city officers are not required to forward to some state officer, as the secretary of the executive council or the auditor of state, their annual reports, by whom their showings should be compiled into a report of the local

finances of the entire State. For purposes of legislation this is essential. Law-makers, under the present law, can not secure ready access to the results of local taxation and expenditures, and profit by a comprehensive study of the general expense of the State. It is astonishing that Iowa has gone so long without any State report that would show not only the local receipts and disbursements, but the nature and financial costs and results of local public activities for the supply of water and light, etc., the receipts from franchises and the like. Important advantages would be gained if the State officer having the compilation of such a State report in charge were given general supervisory powers that would enable him to secure some degree of uniformity in the terms, schedules, and methods of presentation.

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COUNCIL BLUFFS RAILROAD.—Among the many enterprises projected in our day, none possess more intrinsic importance than the one named at the head of this article. This road is designed to form a link in the great western railroad, that will, at no distant day, pass beyond the Rocky Mountains and meet the commerce of Asia on the shores of the Pacific. We have not time nor room, at present, to go into an elaborate argument to show the merits of this work. It can not be doubted seriously by any one that this place is deeply interested in the success of this road. When built and brought into successful operation, Bloomington will sustain her relative advantage to the neighboring towns. Our citizens will present an undivided front, and work together for once, undoubtedly. Let there be no flagging of spirits, but one united effort, and the thing can be done.—*Bloomington (Muscatine) Herald, December 2, 1848.*

## THE OTTUMWA WATER CASE.

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Iowa attorneys do not know what to make of the decision of the United States circuit court of appeals at St. Louis in what is known as the Ottumwa water case. The brief press dispatches which have come from St. Louis set forth that the court has decided against the city of Ottumwa, notwithstanding a recent decision of the Iowa supreme court wholly favorable to the city's side of the case. That a United States court should disregard the ruling of a state supreme court in a matter involving the interpretation of a local statute and local constitutional law is contrary to the practice of the federal courts. Indeed, the St. Louis ruling is said to be the only one of the kind since the famous Dred Scott decision. As the Ottumwa case involves no such important phase of interstate interests as the precedent quoted, the lawyers are at a loss to explain such an apparent reversal of policy on the part of the United States tribunal.

The Ottumwa case has aroused interest all over the State because it involves a question pertinent in every Iowa city. The question is whether a city can provide for public improvements by a special tax levy and a special bond issue after the constitutional limit of municipal indebtedness has been passed. If the ruling of the state supreme court holds good there are methods of overcoming in certain cases the constitutional limits of indebtedness. If the St. Louis ruling is the one which shall stand the constitutional limit must be rigidly adhered to in all instances.

A glance at the details of the Ottumwa case will be interesting. Ottumwa had decided to construct a municipal water plant, and at a special election had voted a special tax levy to pay for the work, at the same time authorizing a bond issue toward the payment of which the proceeds of the special levy were to be devoted. The city had entered upon a contract for the construction of the plant, when the local water company brought suit in the United States court to restrain

the city from issuing the bonds and carrying out its contract. The allegation was that the limit of municipal indebtedness already had been passed and the proposed bond issue would be unconstitutional. Judge McPherson in the lower court held that the city's proposed action would be illegal, and granted a temporary injunction restraining the consummation of the enterprise. The city appealed the case to the circuit court. While the appeal was pending another case was instituted against the city in the local district court. This court also issued a temporary injunction against the city, and an appeal was taken to the State supreme court. The State supreme court was the first to consider the appeal. It reversed the district court, dissolving the injunction and holding that in cases where cities voted special bond issues for specific purposes, to be paid by special tax levies, the indebtedness so caused need not be considered part of the general municipal debt. This ruling was hailed by the municipal ownership advocates as a great victory. It was assumed that the United States circuit court would follow the lead of the State supreme court and that the pathway toward the Ottumwa improvement had been cleared. Now, however, has come the United States circuit court upholding Judge McPherson's injunction and declaring that the proposed bond issue would involve an illegal extension of the city's debt. The effect of the decision must be to call another halt until the United States supreme court can pass upon the merits of the case.

In trying to explain the St. Louis court's apparent disregard of precedent in this case various theories have been advanced. One is that the court has upheld Judge McPherson, because at the time he rendered his decision the State supreme court had not yet passed upon the case, and the trend of decisions up to that time tended to support Judge McPherson's ruling. If this should prove to be the fact the St. Louis decision would be of only temporary importance. If the United States court is ready to recognize the law as

set forth in the latest Iowa supreme court decision it would be necessary only for Ottumwa to hold a new election and make provisions for a new bond issue which would be legal. There are other guesses at the probable significance of the St. Louis decision, but it would not be profitable to go into them in view of the fact that the text of the decision should soon be available to speak for itself.

Whatever may be the merits of this particular controversy, it is regarded as a safe legal proposition that the Iowa courts must be left to themselves in interpreting State laws and State constitutional requirements. It may be believed that the details of the St. Louis ruling will disclose no serious interference with this general principle.—*Sioux City Journal*, Dec. 1, 1902.

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### AN OLD NEWSPAPER.

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Judge C. M. Waterman, of Davenport, until recently an honored trustee of the Historical Department, sends us a copy of *The Providence* (R. I.) *Gazette*, of Saturday, April 4, 1801. It is a quaint old journal of the times when a great many curious customs prevailed in the art of printing, among them the use of the archaic *s*, which resembled the letter *f* so closely that in a font of old type, considerably worn, they can hardly be distinguished the one from the other. The sheet is a small folio—four pages of four columns each. The paper was then in its 38th volume, so it must have been started in 1763, several years before the revolutionary war. The entire sheet is exceedingly quaint and old-fashioned, affording a striking contrast to journals of these times—102 years later.

We copy an address by the Massachusetts Legislature to President John Adams, then just retired from official life, together with his reply:

#### ADDRESS OF THE LEGISLATURE OF MASSACHUSETTS.

*To John Adams, Esquire:*

At the moment, Sir, that you are descending from the exalted station of the First Magistrate of the American nation, to mingle with the mass of your fellow-citizens, the Senate and House of Representatives of the Commonwealth of Massachusetts, your native State, embrace the occasion, to pour forth the free will offering of their sincere thanks,

for the many important and arduous services you have rendered your country.

In the performance of this act, the Legislature have but one heart, and that vibrates with affection, respect and gratitude, for your virtues, talents and patriotism.

We conceive it unnecessary to detail the character of him, whose life, from earliest manhood, has been eminently devoted to the public good; this will be the delightful employment of the faithful and able historian.

Our posterity will critically compare the illustrious characters which have elevated the condition of man, and dignified civil society, through the various ages of the world, and will with grateful effusions and conscious pride point to that of their beloved countrymen.

The period of the Administration of our General Government under the auspices of Washington and Adams, will be considered as among the happiest eras of time.

The example of their integrity possesses a moral and political value, which no calculation can reach, and will be justly estimated as a standard for future Presidents of the United States.

We receive you, Sir, with open arms, esteem and veneration; confidently hoping that you will possess undisturbed those blessings of domestic retirement, which great minds always appreciate and enjoy with dignity.

We devoutly supplicate the Father of the Universe, that you may realize, while you continue on earth, all the happiness of which human nature is susceptible; and, when your course shall be finished here, that your spirit may receive the transcendent rewards of the Just.

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THE ANSWER.

*To the Senate and House of Representatives of the State of Massachusetts:*

The very respectful, affectionate and obliging address, which has been presented to me by the President of the Sen-

# ANNALS OF IOWA.

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## EDITORIAL DEPARTMENT.

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### THE COUNTY JUDGE SYSTEM.

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In the act to divide the territory of Wisconsin, and to establish the territorial government of Iowa, congress (June 12, 1838,) extended over the new territory the existing laws of Wisconsin, "so far as the same are not incompatible with the provisions of the act of separation." This measure was but a provisional one, however, subject to be altered, modified, or repealed by the governor and legislative assembly of Iowa. A law of Wisconsin territory, approved December 20, 1837, had established a board of county commissioners in each county and this was the law of Iowa territory until December 14, 1838, when our territorial legislature passed a similar law. This was a statute of twenty-two sections in which the powers and duties of county commissioners were clearly defined. This law, amended in some particulars, was re-enacted in 1843. It appears in the "Revised Statutes of the Territory of Iowa" of that year. The boards of county commissioners administered the government of their respective counties until the adoption of the Code of 1851 (Chapter 15), when the county judge was invested with the usual powers and jurisdiction of county commissioners, and of a judge of probate, and "with such other powers and jurisdiction as are conferred by this statute." (Courts of probate had been established by an act of the territorial legislature approved January 17, 1839.) This is a lengthy statute consisting of thirty-seven sections, in which the powers and duties of these officials are fully defined. It will thus be readily understood that the county judge was a functionary of multifarious duties and that he wielded immense power within his proper county.

Those counties which fortunately called to that responsible position men of large ability and tried integrity—men with such characteristics as distinguished Charles Mason, Edward Johnston, and Edward H. Thayer—had a system of government which was doubtless as nearly perfect as it is within the power of a legislature to devise. The majority of our counties chose good men and the system had many friends—possibly half or more of the people of the State. But the temptations which were presented in many counties—especially in some of the newer ones in the northwest—were too strong to be resisted by the greedy adventurers who went thither among the pioneer settlers.

The old county judge system continued to be the law of the State until the Eighth General Assembly, after a protracted and bitter contest, passed what was popularly known as “the county supervisor law” (Chap. 46, Laws 8th G. A.), which was included in the revision of 1860. This provided for a board of supervisors consisting of one from each civil township, to which was committed the administration of county affairs. This law remained on the statute book until the adoption of the Code of 1873, when the number was reduced to three persons in each county, except in certain specified cases, when it could be increased to five or seven. With this amendment the county supervisor law has remained with no material change until the present time.

The intent in the passage of the county supervisor law was evidently to found a representative system, similar to that of the state of New York, where the organization of each town or township is independent and complete in itself, in which “home rule” prevails, and in which most of the functions of civil government locally affecting the interests of the people are exercised. In New York a bridge may be built by the people of a town. But in Iowa the authority of the county had to be invoked. This condition of things led to burthening the boards with duties and obligations which should have been acted upon and discharged by the town-



ship authorities. That defect in the law resulted in a system of "log-rolling" which detracted from its popularity at the beginning. In order to secure needed improvements in their own localities, members of the boards were too often compelled to vote for schemes which they would otherwise have opposed. This state of things led to the reduction of the membership of the boards to where it still remains.

Several years since a young Iowa journalist who had been reared in northwestern Iowa, in the course of a newspaper article, gave expression to severe reflections upon the county judges of forty odd years ago. That branch of his article was adverted to and quite sharply denounced by a leading editor who resided on the eastern border of the State, who had himself been a county judge. Having been chosen by the people to fill that highly responsible office, and having served them in a manner to win hearty approval in every direction, he resented these reflections with emphasis. But as in the old story of the knights who fought about the color of a shield, both gentlemen were right and both wrong, their differences arising from the different standpoints from which they had observed the county judge system. He who had written from northwestern Iowa had known several judges who had been guilty of serious diversions of the county funds, some of which had gone into their own pockets, while more, perhaps, had been squandered upon personal or political favorites—members of the court house "rings" or cliques. Public buildings had been erected, streams bridged, and miscellaneous expenses incurred, for which there was no need whatever. It often occurred in this way: a few adventurers—perhaps six or eight men—would go into a northwestern county, which they would proceed to "organize." If there were enough voters to hold the offices, with three or four confederates on the outside to submit bids for the jobs, any county could be speedily put into running order, if it had not contained a single inhabitant at the date of the last preceding election.

The course pursued by these officials varied with each locality. Many of the judges in those sparsely settled counties were men of integrity, who discharged their duties with rare conscientiousness, while in others extravagance was wild and rampant. It was jocosely remarked of some of them that they had machines for striking off or manufacturing county warrants by the wholesale. It also sometimes occurred that, owing to the plentiful issues, county warrants were sadly depreciated, and that outside speculators bought them up at more or less heavy discounts, standing around the county treasury with the connivance of the county judge and treasurer, and securing the dollars as fast as they were paid in for taxes. Of course, the warrants were paid to the holders at their face value. The pioneer farmers who were hauled away from their homes to serve on juries,—or who had rendered the county some other service,—were compelled to wait indefinitely for their money, or take whatever the speculators were willing to dole out for their warrants. As this species of “financiering” occurred when times were hard and money scarce, it created a state of affairs not contemplated with equanimity by those who had earned the warrants.

We have in mind as we write one of these “promoters” of county organizations. He modestly served his time in one county, and after some years’ experience as an innocent looker-on, and in directions to which no exceptions could be taken, migrated to another county, in the organization of which he became an important factor. When he left that county it was so steeped in debt that it was more than twenty years before its debts were paid, and even then, we believe that some of them were successfully repudiated from having been tinctured with fraud. But he had made a success of his enterprise, as those things went—had “made money”—and therefore deemed it expedient to leave the State. The next and last that was heard of him in Iowa he was appropriately serving a sentence in the Illinois penitentiary.

The county judges, deprived of their functions as admin-

istrators of the business affairs of the counties, still retained the probate business until the establishment of the circuit and general term courts. Their duties were assigned to the first named court. (See Ch. 86, Laws 12th G. A.) By a law (Ch. 160) of that session, creating the office of county auditor, it was further enacted that—"The county judge in each county shall be, *ex-officio*, auditor after the first day of January, 1869, and shall discharge the duties of county auditor until the auditor shall be elected and qualified; and after the said auditor shall be elected and qualified, the office of county judge shall cease."

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#### MESSAGES AND PROCLAMATIONS OF THE GOVERNORS.

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We have at this writing received Vols. I and II of this important work, which has been issued by the State Historical Society, at Iowa City, under the editorship of Prof. B. F. Shambaugh. This publication is modeled upon the Messages and Documents of the Presidents of the United States, which was issued from the government printing office a few years ago. At the present time we shall attempt no review of the work, for that is to be done for our pages by another hand later on, when the remaining volumes are published. Few works of Iowa history have ever been projected which can equal this in its value for reference or careful study. Within its pages the student may read at first hand the views and opinions of our governors from the times of old General Robert Lucas to those of Albert B. Cummins. It is really an epitome of the official and general history of the Territory and State of Iowa. And then, again, the memories of our governors have been rapidly "fading into the azure of the past." Once a governor retires from his honored place he is apt to be speedily forgotten. (The State has never troubled itself to the extent of even securing their oil portraits. Until quite recently there were not even name-

plates upon the seven or eight which had found their way into the state house several years ago. Few, indeed, were the persons who could identify these old portraits.) Aside from its great importance as a historical work, this publication will rehabilitate, in the public memory, our line of excellent governors, some of whom were men of national reputations, who will always be classed as among the ablest and most illustrious men of the middle west. Several of our executives will be promoted to higher ranks in the general esteem as their writings, long begrimed with dust, come forth from the dim "cubby-holes" in the capitol, to be read and studied by the students of Iowa history whose numbers are now constantly increasing. It will also revive the memories of many other good men. Reading their utterances upon the issues of their administrations, the student will be able to form his own estimate of their ability and statesmanship. This work will become the proud and imperishable monument of the governors of Iowa. Prof. Shambaugh has performed his task as editor most admirably, and his work will be sure to find its way into every considerable library in Iowa.

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#### TWO MURAL TABLETS.

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The Iowa Society of the Sons of the American Revolution, during the present summer, will place in the State Historical Building, a beautiful bronze tablet, the purpose of which is to keep green the memories of the five Revolutionary soldiers who died and were buried in this State. We gave the records of these soldiers, so far as the same could be obtained, in *THE ANNALS*, Vol. V, pp. 150-153. This tablet is now (June 7) in progress of manufacture by the Tiffanys of New York City. It is to be 35x29 inches in size, and will cost \$300. It will be presented by a member of this honorable society, and accepted by Governor Albert B. Cummins. It is an important work and one of the few of its kind in Iowa. One of the earliest was a beautiful brass

tablet which Hamilton county erected as a memorial to the company sent from there to Spirit Lake in the expedition of 1857. This will doubtless be followed by others from time to time hereafter.

Several gentlemen in Benton county have recently started a subscription to provide a brass or bronze tablet to be placed, with the consent of the Board of Control, in the Asylum for the Blind at Vinton, to the memory of Captain Thomas Drummond. Previous to 1861 he was a well known editor and politician, and his claim upon the gratitude of his State and county rests upon the fact that, aside from his record as a soldier, he was the principal factor in the founding of the Iowa Asylum for the Blind. He was for many years editor of *The Vinton Eagle*, which he conducted with a good degree of ability. Drummond was one of the earliest Benton county men to offer his services to the government at the outbreak of the civil war. Through the efforts of United States Senators Grimes and Harlan, he was appointed second lieutenant in the famous Seventh cavalry. Governor Kirkwood later on appointed him lieutenant-colonel of the Third Iowa cavalry, with which, however, he remained but a short time. Returning to his old command in the regular army, he rose to the grade of captain, for some time ranking General Custer, who belonged to that regiment. He was mortally wounded in the battle of Five Forks, Va., when the fighting was practically over, and died a few hours later. At that time he was the senior officer of the regiment present and in command. He was a member of the Iowa house of representatives in 1858, and a state senator in 1860. It is most praiseworthy on the part of the people of Benton county thus to do honor to his memory. He was an able editor, a useful citizen in private life, an active and influential legislator, and a brave soldier whose brilliant young life was given to his country.

It has required much effort to get this work of honoring our own heroes started in this good State of Iowa, but with such examples it ought to be easier hereafter.

## GREATEST PRINTING OFFICE IN THE WORLD.

Hon. Frank W. Palmer is still remembered in great kindness by thousands of people in Iowa, though it is thirty years since he removed from Des Moines to Chicago. A brief sketch of his life and public services was given on page 403, Vol. IV, 3d series of *THE ANNALS*. Iowa readers will remember that he was state printer and editor of *The Iowa State Register* from 1861 to 1868. He served as a member of congress from the fifth district of Iowa from 1869 to 1873. Removing to Chicago in the latter year he became editor-in-chief of *The Inter Ocean*, and also served eight and one-fourth years as postmaster of that city. President Harrison appointed him government printer, and he was reappointed by President McKinley. The building in which that ancient printing office was located was an old, dilapidated affair which had become wholly inadequate for the constantly increasing needs of the government. Mr. Palmer brought the matter before congress and secured an appropriation of \$2,429,000 with authority to erect a new building. This has just been completed. William E. Curtis, the distinguished journalist, traveler, and author, made it the subject of one of his exhaustive letters which appeared in *The Chicago Record-Herald* of May 25, 1903. From this we copy the following paragraphs, portraying the magnitude of this great enterprise, which was projected and brought to a successful conclusion by an old Iowan:

The government of the United States has in Washington the greatest printing office in the world, double the size of any other. It is under the management of Frank W. Palmer, formerly editor of *The Inter Ocean* and for eight years postmaster at Chicago. It had been housed in a dangerous and dilapidated old barracks for many years, which was condemned as unsafe by the building inspectors and sanitary authorities. Mr. Palmer has been compelled to prop up the walls with timbers and place heavy beams at frequent intervals to support the floors, but finally congress became sensible of its requirements and appropriated \$2,429,000, which has been expended during the last four years in the erection of what is almost a perfect building for its purpose. The work of construction is nearly completed. New oak cases for type and "sorts" and the thousand and one lit-

the tricks essential to the printer's trade are being put in place, and before congress again assembles this great branch of the government's business will be well established in its new home, with conveniences, equipments and machinery surpassing everything that was ever provided for a printing office before.

The work has been done under the direction of Mr. Palmer. James G. Hill of this city is the architect, Captain J. S. Sewell of the engineer corps has been superintendent of construction, and Homer K. Collins, chief engineer of the public printing office, and W. H. Tapley, chief electrician, have had immediate charge. To them Mr. Palmer ascribes the largest degree of credit for the perfection of the new plant. They have been assisted by Captain H. T. Brian, formerly foreman of printing and now chief clerk; P. J. Bryne, foreman of the binding department, and D. J. O'Leary, foreman of press work, all of whom have made eminent reputations in their line of business.

The high efficiency of the office is largely due to the executive ability, tact and high sense of the fitness of things on the part of the public printer. The office used to be the center of scandal and corruption, but it has been one of the cleanest and most economical and satisfactory branches of the government since Mr. Palmer took hold. He unselfishly gives credit to the gentlemen I have named and others equally loyal and efficient who might also be named.

The new printing office will have a floor space of 619,700 square feet, which is equivalent to about fourteen acres, or four ordinary city blocks, which is divided into seven floors almost without partitions. Printers need a good deal of light, and it is provided for them by 1,500 windows. One-third of all the wall space is glass, and, in order that this light may not be lost, the walls of the rooms are lined with white enameled bricks which can be washed like a bath tub or the marble steps of the houses in Philadelphia. The building is absolutely fireproof, or as near fireproof as any building can be. It is also as substantial as possible, and its walls are built like those of the fortress because type is heavy and printing presses cause considerable vibration, and it would be unfortunate to have the roof and the walls cave in and bury 3,957 American citizens under material and machinery that is intended only for the dissemination of intelligence.

The engineers provided for floors to sustain a load of 85,000,000 pounds, if any one can comprehend what that means, and it is, of course, very much in excess of any weight that could possibly be placed upon it. The outside walls are three feet thick, and to construct them 10,000,000 brick were required. Inclosed within them is a steel frame work weighing about 12,000,000 pounds, which is heavier, perhaps, than the frame of any other building in the country. Every care was taken to secure the greatest possible solidity of construction. The columns, beams, girders, channels and plates were not made of ordinary steel stock, but were forged to order, and the steel work is so protected that in case of heat being generated by the burning of any material that might be placed in the building, its strength will not be affected by warping.

A complete system of telephones has been installed, so that the foreman of every department can communicate with the chiefs of his division, and by lifting a receiver to his ear Mr. Palmer may know instantly what is going on in any part of his establishment. In order to provide for all this several miles of wire have been used, enough, they tell, to go twice around the City of Washington. Vaults have been constructed at convenient places on the different floors for the storage of standing type, stereotype plates and printed documents of a secret and confidential character, such as messages of the president, reports of his secretaries, treaties, conventions, reports of congressional committees, and other documents, until it is time to give them to the public.

There are enormous storerooms for the stock of material kept on hand, which is probably greater in amount than can be found in any similar establishment in the world. In the regular course of business the printers use about fifteen tons of paper a day, and in the cases are more than 2,000,000 pounds of ordinary type.

There are 3,957 employes upon the pay roll of the government printing office.

The government of the United States does more printing and publishes more documents than any other nation in the world, and last year the cost of this branch of the service reached \$5,848,453.08.

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AN EVENT transpired in the little village of Clermont, Fayette county, Iowa, on the 19th day of June last, to which we can devote but a brief paragraph at this time, but which we hope may be fully described in some future number of *THE ANNALS*, with ample and appropriate illustrations. We refer to the unveiling and dedication of two bronze statues, one of *ABRAHAM LINCOLN*, and the other of *Col. D. B. HENDERSON*. These statues were the generous and patriotic gift of Ex-Governor *WILLIAM LARRABEE*, whose hospitable home is in the outskirts of that village. This is the first instance in Iowa in which a statue has been erected to Abraham Lincoln, and few men while still living have received such an honor as this which has been so appropriately and happily paid to *Col. HENDERSON*. (*Prof. S. F. B. MORSE*, inventor of the telegraph, was present and saw his bronze statue unveiled in Central Park, New York City, June 10, 1871.) Clermont was already classic ground, as the residence of Gov. *WILLIAM LARRABEE*; it becomes doubly so by the erection of these magnificent works of art.



## NOTABLE DEATHS.

SAMUEL B. EVANS was born in Jefferson county, Tenn., July 31, 1837; he died in Ottumwa, Iowa, June 23, 1903. He was descended from patriotic stock. His father, a lawyer, was a soldier in the Seminole war. His grandfather bore a part in the war of 1812, and his great-grandfather fought at the memorable battle of King's Mountain in the war of the revolution. His mother was a daughter of a soldier of 1812. He came with his parents to Davis county, Iowa, when he was but five years old. In 1849 the family removed to Keokuk county. When Samuel had reached the age of fifteen he began learning the trade of a printer. Afterward he worked as a journeyman, and on reaching his majority had already laid up a small sum of money. Anxious to secure an education, he entered a branch of the State University, which at that time was located at Fairfield. Three years later (1858) he became a partner in *The Democrat* at Sigourney. From that time until his death, Capt. Evans was in the newspaper field, having been connected for the most part with papers published in Ottumwa. He entered the military service in the war for the Union as a private in Col. Samuel A. Rice's 33d Iowa Infantry. He participated in the battle of Helena, and in several expeditions. He helped raise a regiment of loyal men in Arkansas in which he became a lieutenant. He was mustered out in 1865, and returned at once to newspaper work in Ottumwa. Retiring from the newspaper business in 1881, he took charge of the expedition into Mexico which was sent out by *The Chicago Times*. His researches led to many important discoveries, which were acknowledged by the Mexican government to be of great importance. One of these was the great calendar stone at Tezcuco. The original stone is now in the Government Museum of Mexico, and facsimilies are in the Smithsonian Institution at Washington, and also at Ottumwa. His mission has always been deemed one of very considerable importance. Its results were published in *The Times*. After leaving old Mexico he continued his researches in New Mexico. He returned to Ottumwa in August, 1884, and again became associated with *The Democrat*. He was appointed postmaster at Ottumwa July 14, 1885, by President Cleveland, and confirmed by the senate without opposition in March, 1886. He was president of the first Iowa Fish Commission, and it was largely through his influence that this work was created and placed upon a permanent foundation. Capt. Evans was an able writer upon the general topics of newspaper discussion, and also upon archaeology and ethnology. He wrote several articles for these pages and had expected to write several more. He was a genial companion and in every respect an excellent gentleman. While he was always a Democrat, and considered a leader in his party, he was a man who enjoyed the highest respect of the opposition. He gave his influence to the establishment of libraries, and to the developing of the historical collections of the State. His death at this time is a sad loss to Iowa, for there are few men who took so genuine an interest in every department of education. THE ANNALS deplors his loss as that of one of its best friends.

GOVERNOR JOSHUA G. NEWBOLD was born in Fayette city (Cookstown), Pa., May 12, 1830; he died at Mt. Pleasant, Iowa, June 10, 1903. His ancestors were Quakers. He was raised on a farm, with only such educational advantages as were afforded in those days by the country schools, but immediately after his school days we find him engaged in teaching. He came to Iowa in March, 1854, and located on a farm which has since become a part of the city of Mount Pleasant. A year later he removed to Cedar township, Van Buren county, where he engaged in merchandizing and farming until 1860, when he came back to Henry

county, and settled at Hillsboro where he pursued the same calling. In 1862 he left his business in the hands of his partner, becoming Captain of Co. C, 25th Iowa Infantry. He served three years, resigning shortly before the close of the war. Near the end of his service he filled the position of Judge Advocate for a short time with headquarters at Woodville, Ala. He was with his regiment in the expeditions against Vicksburg, Arkansas Post, Lookout Mountain, and marched with Sherman from Atlanta to the sea. He returned to Hillsboro after he left the army, and engaged extensively in stock raising and farming. He represented Henry county in the 13th, 14th and 15th general assemblies where he became one of the best known and most influential members. He was elected speaker *pro tem.* in 1874. In 1875 he was nominated and elected lieutenant-governor, the head of the ticket being War Governor Samuel J. Kirkwood. At the following session Governor Kirkwood was elected to the U. S. senate and Mr. Newbold became governor of the State. He entered upon his duties February 1, 1877, holding the office until the 1st of January following, when he was succeeded by Governor John H. Gear, who had been chosen at the preceding election. After retiring from the governorship, Mr. Newbold led a very quiet life, having resided continuously at Mt. Pleasant. He held the office of mayor of Mt. Pleasant for four years, his service ending in April, 1903. Mr. Newbold held the office of governor less than a year, a period too short to enable him to map out any special policy or make himself felt to any great extent in the recommendation or adoption of measures of special public interest, but he was still widely known and respected wherever known. His record in the army, in the State legislature, and as mayor of his city is one that will always command respect. Whatever responsibilities devolved upon him, he discharged with faithfulness and ability, and in a manner to win the unqualified approval of those whom he served.

MOSES AYRES MCCOID was born in Ohio, November 5, 1840; he died in Fairfield, Iowa, May 19, 1903. He came to Fairfield with his father, Robert McCoid, in 1851, residing there continuously down to the time of his death. His early education was acquired in the common schools, but he became for a time a student in the Fairfield university, completing his education as far as the junior year in the college at Washington, Pa. Returning to Fairfield, he became a student in the law office of Hon. James F. Wilson and Hon. D. P. Stubbs. Before he had attained his majority, however, he enlisted in Co. E, Second Iowa infantry, and went into the war for the Union. He was with that historic command in all the great battles in which it bore a conspicuous part, as Fort Donelson, Shiloh, Corinth, Bear Creek and Resaca. He was promoted to second lieutenant of Co. E, December 25, 1861, and later to first lieutenant, acting for a time as adjutant of the regiment. He resigned from the army May 23, 1864. In 1861, while at home on furlough, he was admitted to the bar. When he was mustered out he became a member of the law firm with which he had prosecuted his legal studies. When Mr. Wilson retired, the firm was changed to Stubbs & McCoid, and so continued for several years. From 1885 to the time of his death he was associated with a number of the well known lawyers of that section of the State. He was elected prosecuting attorney of the Sixth district in 1866, and held the place until January 1, 1871. He was elected to the State senate in 1871 and continued in that position until January 1, 1879, serving through four sessions of the legislature. In the latter year he was chosen a member of the Forty-sixth congress. Two years later he was re-elected, and also returned for a third term. In his prime Mr. McCoid was considered one of the strong men of Southern Iowa. *The Fairfield Ledger* of May 20, 1903, spoke of him as follows: "Moses A. McCoid was a man of great mental strength, and in many particulars was

the most brilliant among the many noted men who have been counted a part of this community. His natural ability was supplemented by an excellent education and years of study and training. There was an alertness, a keenness about his work as a lawyer which made him a dangerous opponent and gave him high standing before the bar. He was an orator of more than average ability, and a writer of strength and gracefulness, as many passages in a book he published a few months ago, 'John Williamson, of Hardscrabble,' will attest. Withal, he was a most genial and accomplished man, and a delightful social companion."

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EUGENE CRISS was born in Preston county, Va., now West Va., July 27, 1822; he died at Sac City, Iowa, March 11, 1903. He resided a number of years in Illinois and Wisconsin, but in 1835, in company with John Coe, started to find a site in western Iowa where he intended to engage in milling and merchandizing. August 9 of that year they reached the present site of Sac City. The location pleased him, and he decided to settle by the Coon river, and help build up the city. At that time land had not yet been surveyed into sections, and no homestead entries had been made, but on July 4, 1854, Hon. John F. Duncombe had platted the town site of Sac City, which he had named Austin, in honor of one of the first settlers. After Mr. Criss' arrival it was changed to Sac City. From time immemorial that had been a summer camping ground for the Indians, and they continued to come there several years after Mr. Criss made his settlement. For a time his trade was largely carried on through the purchase of furs from the Indians and white settlers. These he hauled to Keokuk to be exchanged for supplies for his frontier store. His first residence was a log cabin, where with true frontier hospitality he always gave food and shelter to strangers who were traveling through this western country. Later on his residence was enlarged and became a station on the stage route from Fort Dodge to Sioux City. In 1856 he built a steam saw mill which furnished much of the lumber used thereabouts in pioneer building. He afterwards erected a flouring mill, and engaged also in farming and stock raising. He was one of the organizers of the first National Bank of Sac City, and was one of its directors and its vice-president at the time of his death. He served as county supervisor and also as county judge. In 1868 he represented Sac, Ida and Woodbury counties in the Iowa house of representatives. When his town was incorporated in 1875 he became its first mayor. In the early and later history of Sac county no one of the old pioneers bore a more prominent or useful part. He had a wide acquaintance and his name was a familiar one throughout the State. *The Sac Sun* of March 12, concluded its highly complimentary notice of Judge Criss with these words: "Judge Criss has been an excellent citizen, upright in his dealings, firm in his convictions, hospitable, and public spirited. No one in the county has been more widely known, and they who mourn his death are many."

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Mrs. M. L. D. PUTNAM was born at Greencastle, Pa., Sept. 23, 1832; she died at Davenport, Iowa, Feb. 20, 1903. Her father was Joseph Duncan, a member of Congress from Illinois at the time of her birth. Mr. Duncan's home was Jacksonville, Ill., but the lady members of the family were driven to Greencastle, Pa., by the prevalence of cholera at the national capital, and it was during their temporary residence there that she was born. Her father became the fifth governor of Illinois. He had distinguished himself by his services in the war of 1812, and received from congress a sword of honor. He had also, while a member of the Illinois legislature, been a leader in the pioneer effort to establish common schools in that state. On her mother's side Mrs. Putnam was a great-granddaughter of Hannah Caldwell, the one woman who was killed by British bullets during the war of the revolution.



She was married to Charles E. Putnam, of Saratoga Springs, N. Y., Dec. 9, 1854. The young couple came directly to Davenport, which was thenceforward their home. While Mrs. Putnam was especially distinguished in the society of that thriving city, and well known throughout the country, the great work of her life was the building up of the Davenport Academy of Sciences. In this she was especially aided by her husband and her distinguished son, Joseph Duncan Putnam, who died in 1881, at the early age of 26. This accomplished young Iowan had already won a national reputation by his original discoveries in natural history. After these two deaths Mrs. Putnam gave her great energies to the work of developing the scheme of the academy and increasing its museum collections. It was stated a dozen years ago that it already possessed one of the six largest ethnological and archaeological collections in the United States, and yet she pushed forward its work with all the unflagging zeal of earlier days. A large volume would be required to tell the story of this exceptionally useful and beautiful life. She was a Fellow of the American Association for the Advancement of Science, the highest honor which it confers. She rendered important services in behalf of the sick and wounded Iowa soldiers during the civil war. *The Davenport Democrat* of Feb. 22, 1903, contained an exhaustive and most thoroughly appreciative sketch of her long and useful career.

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WILLIAM CHRISTY was born in Trumbell county, Ohio, Feb. 14, 1841; he died late in March, 1903, at Phoenix, Arizona. He came with his family to Osceola, Iowa, when he was fourteen years of age. At seventeen we find him engaged in teaching school, and at twenty he entered the Union army as a private in Company I, Fifteenth Iowa Infantry, under Col. W. W. Belknap. He was afterwards promoted to second lieutenant of Co. D, Eighth Iowa Cavalry. He participated in the battles of Shiloh and Corinth, and was four times wounded while leading a cavalry charge at Jonesborough, Tenn. He was captured at the battle of Lovejoy Station, Ga., and remained several months as a prisoner within the Confederate lines. He was promoted to a captaincy and at the close of the war was mustered out as lieutenant-colonel. After his military service he entered a business college in which he later on became a teacher. Returning to Osceola, he was elected treasurer of the State in 1872, and re-elected two years later. Upon retiring from this office he was elected cashier of the Merchants National Bank of Des Moines, which institution he had helped to organize. The following year he was compelled by ill health to resign, when he took up his residence at Prescott, Arizona. A year and a half later he removed to the vicinity of Phoenix, which became his home. He entered largely into the business of stock raising, fruit growing and banking. He first discovered that citrus fruits could be grown successfully in that region, and he and his brother also first introduced shorthorn cattle into the Salt River Valley. He was deeply interested in irrigation. His business operations were deemed of the highest importance to Arizona. On the day of his funeral the governor ordered the flag to be placed at half mast, and many other tributes were paid to the dead soldier and man of affairs.

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CYRUS SMITH was born in North Charleston, N. H., July 12, 1834; he died at Webster City, Iowa, June 14, 1903. After the usual farm labors and country schooling, he left his New England home at the age of seventeen years, to carve out his own fortune in the west. He stopped awhile at Rockton, Ill., and afterwards in Dubuque, where he labored as a clerk in mercantile establishments. In 1855 he migrated to Webster City, Iowa, which afterwards became the shire town of Hamilton county. He opened the first store in that town and became the first postmaster, the appointment being made by President Franklin Pierce. Upon the organization

of the county in the spring of 1857, Mr. Smith was elected for a short term as recorder and treasurer, the two offices then being united in one. He was re-elected the following autumn. Retiring from this office two years later he resided in Lyons, Iowa, where he held a position in a branch of the old State Bank. In 1863 he removed to Chicago, where he became a member of the Board of Trade. In 1870 he returned to Webster City where he resided until his death. During these thirty-three years he was connected with many of the most important and successful business interests of the town and county. He was honorable in his dealings, a man who led a life without blot or stain, one whose characteristics were at once genuine and praiseworthy. The county had no better known or more widely esteemed citizen.

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HANS C. TOLLEFSBUDE was born in Torpen, Nordreland, Norway, January 1, 1822; he died at Rusk, Iowa, May 17, 1903. He came to this country in 1844, by sailing vessel to New York, one hundred and two days being consumed in the passage. From there he traveled by canal boat to Buffalo, by sailing vessels up the lakes to Chicago, and on foot across northern Illinois and southern Wisconsin, locating in Newark, in the latter state. He made a settlement there in 1845, becoming a farmer. His life was one of many vicissitudes. In 1865-66 he visited his old home in Norway, sailing in the ship "Guy Mannering," which was wrecked off the west coast of Scotland. Most of the crew and passengers were lost, but eighteen of them, including this traveler, clinging to a piece of wreckage, were washed upon the shore of the island of Iona, and were cared for by those people, thence going to their several destinations. He went from there to Norway, visiting his aged father, who died in 1869. While engaged in farming in Wisconsin, he spent five years as a gold miner in California. He came to Iowa in 1868, and purchased lands in Pocahontas county, upon which he lived until 1878, when he located on his farm near the little hamlet of Rusk. He was a pioneer both in Wisconsin and Iowa, in both of which states he proved a most useful citizen, enjoying the sincere respect of a wide circle of friends and acquaintances.

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MRS. MARY ANNA HOWELL, wife of the late U. S. Senator, James B. Howell, died at Keokuk, Iowa, June 15, 1903. She was the daughter of Gen. Jesse Bowen, who succeeded Governor Kirkwood as State senator from Johnson county, serving in the sessions of 1860 and '62. He was also adjutant general of the State at the outbreak of the civil war. Mr. Howell had published *The Des Moines Valley Whig*, at Keosauqua, from 1845 to '49, when he removed to Keokuk and established *The Gate City*. From this time forward the family was one of the foremost in southeastern Iowa. Mr. Howell was an able Whig and Republican editor, and afterwards became a United States senator, and later on a judge of one of the federal courts. He died June 17, 1880. Mrs. Howell was a woman of great force of character—"a society woman admired by statesmen, and a club woman whose chief interest was her home." She is mourned by three children, Miss Lida Howell, of Keokuk, Capt. D. L. Howell of the 7th U. S. Infantry, and Lieut. James F. Howell, also of the U. S. army, whose present station is Fortress Monroe.

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THOMAS G. NEWMAN was born in Somersetshire, England, in 1833; he died in San Francisco, Cal., March 10, 1903. He learned the printing business before he left the old country, serving an apprenticeship of seven years. On September 1, 1870, he started *The Cedar Rapids Observer*, the first daily in Linn county. In 1872 he sold out to a stock company known to the present time as *The Republican Printing Company*. He remained a year with his successors, when he removed to Chicago, where he published

*The American Bee Journal* until 1896. In that year he removed to California, where he published *The Philosophical Journal* until a few months ago when failing health obliged him to retire from business. "He was a thoroughbred Englishman to the core; was up to every nicety in the printing business from composing room to binding inclusive, chock full of vim and energy." Thus wrote one of his Iowa contemporaries who knew him well.

MRS. VIRGINIA McARTHUR was born in Belleville, Ill., March 15, 1839; she died in Burlington, Iowa, May 16, 1903. She was the eldest daughter of Hon. John L. Corse, and sister of Major General John M. Corse (ANNALS, ii, 1, 2); came with her parents to Burlington in 1842; was married to Martin C. McArthur December 22, 1858, the successful and honored manager of the business of the American Express Company in Iowa, Missouri, Nebraska, and Minnesota, for twenty-eight years, with headquarters at Burlington. Of their three sons, William C. McArthur is clerk of the U. S. Court for the Southern District of Iowa. Mrs. McArthur's whole life was characterized by firmness in her religious principles and by zealous devotion to the relief of sick and suffering humanity.

JAMES C. HARWOOD was born at Lowell, Ill., June 29, 1844; he died at Clarion, Iowa, June 16, 1903. He entered *The Charles City Intelligencer* office at the age of sixteen to learn the trade of a printer. He served his apprenticeship of three years with the proprietor, Hon. A. B. F. Hildreth, and then worked in the same establishment four years as a journeyman. He was connected with newspapers as editor and proprietor in Winnebago and Franklin counties until 1879, when he removed to Clarion, where he purchased *The Monitor*, of which he was thereafter the editor and proprietor. With the exception of about eight years he had served the people since 1881 as postmaster of that thriving county seat. Mr. Harwood made *The Monitor* one of the leading journals of that section of Iowa, and had established himself in the respect and confidence of the community.

J. K. L. MAYNARD was born July 26, 1829, in Bakersfield, Vermont; he died at Janesville, Iowa, April 9, 1903. His early years were spent on a farm. His education was acquired at the Bakersfield academy and in the Vermont university at Burlington. He attended the law school at Albany, N. Y., and was admitted to the bar in 1855. The next spring he came west, locating at Janesville, Bremer county, Iowa, where he practiced law for some years. He then purchased *The Republican* at Waverly, and became editor of the paper. In 1861 he was appointed postmaster of Waverly and held the office ten years. He also held the office of mayor of that town. He removed to his farm near Janesville about 1873. He was a member of the 17th general assembly, and for years prominent in politics.

IRA H. TREMAINE was born in Oneida county, N. Y., Feb. 7, 1822; he died at Webster City, Iowa, Dec. 5, 1902. After his common school days he took a course of study at the academy at Rochester, N. Y. He came west with his mother (his father having previously died) in 1844. He settled in Waukesha county, Wis., where he entered eighty acres of land, upon which he lived several years. Removing to Iowa in 1867, he settled in Independence township, Hamilton county. He represented his county in the 17th general assembly, and from time to time held many other positions of honor and trust. Says *The Freeman-Tribune*, "No man stood higher in the esteem and respect of all who knew him."

SMITH HENDERSON MALLORY was born in Yates county, N. Y., Dec. 2, 1835; he died at Chariton, Iowa, March 26, 1903. Mr. Mallory came west in 1850, settling at Batavia, Ill. He was connected as engineer with the

building and management of several western railroads, and also engaged in other important business enterprises. He removed to Chariton in 1867, where he founded the First National Bank. He was elected to the Iowa house of representatives in 1877, serving in the session of the following winter. He was also repeatedly elected director of the State agricultural society. He held many important positions in the course of his useful life, and was for a long time prominent in the councils of the Episcopal church.

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**JAMES D. GIFFEN** was born in Northumberland county, Pa., Oct. 2, 1839; he died in Marion, Iowa, Dec. 22, 1902. In 1856 he came west with his parents who settled on a farm in Linn county, Iowa. He graduated from Cornell College, Mt. Vernon, and afterwards taught school in Tipton and Marion. He was admitted to the bar and began the practice of the law in the latter place. He served as mayor and held other offices in the town and county. In 1882 he was elected district judge and served on the bench until 1895. On retiring from the judgeship he practiced law for about a year in Chicago, but then returned to Marion. He was one of the oldest and ablest members of the Linn county bar.

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**W. H. H. MYERS** was born in Clinton county, Ind., Dec. 24, 1839; he died at Milford, Iowa, Jan. 24, 1903. He removed with his parents to Fayette county, Iowa, in 1851. At the outbreak of the civil war he was attending the Upper Iowa University at Fayette, but left school to enlist in Co. H, 38th Iowa Infantry, of which he was appointed orderly sergeant. He was discharged at Houston, Texas, Aug. 15, 1865. After the war he resided for a time in Polk county, Iowa, and in Kansas and Nebraska. In 1895 he settled in Milford, where he remained until his death. He was elected a representative in the 28th general assembly, and was also prominent in the Grand Army of the Republic.

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**J. J. MOSNAT** was born in Bohemia, September 28, 1849; he died in Belle Plaine, Iowa, June 19, 1903. He came to America with his parents in 1852. The family settled first in Missouri, removing in 1862 to Wisconsin. In 1869 Mr. Mosnat came to Iowa. He took a regular course at the State University and graduated from the law department in 1875. He entered at once on the practice of law at Belle Plaine, where he afterward lived. He filled many local offices in his home town, and won a high place in the front rank of his profession. He represented the Tama-Benton district as State senator in the 23d and 24th general assemblies.

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**JEROME M. WHITE** died at Latona, state of Washington, Feb. 7, 1903. He served as captain of Co. E, in the Northern Border Brigade, having enlisted at Sioux City, Sept. 27, 1862. After the civil war he removed to Atchison, Kas., where he engaged in business for some years, finally migrating to Latona, where he served as postmaster several years. He was especially well known in Masonic circles, where he won the high esteem of his associates. His portrait was published in *THE ANNALS* (Vol. V, No. 7, p. 522), as one of the illustrations of Capt. W. H. Ingham's well remembered history of that organization.

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**JUDGE RUFUS LINDERMAN** was born in Orange county, N. Y., in 1828; he died in Davenport, Oct. 10, 1902. In the early fifties he came west, settling first in Le Claire, Iowa. In 1859 he removed to Davenport, where he became judge of the county court, an institution now abolished. He served in this position eight years, until 1867, and won an enviable reputation as an able and just judge. He removed to Colorado in the seventies and was elected judge of one of the district courts of that State. About eight years ago he returned to Davenport, where, on account of ill health, he led a quiet and retired life.

## Historical Department of Iowa.

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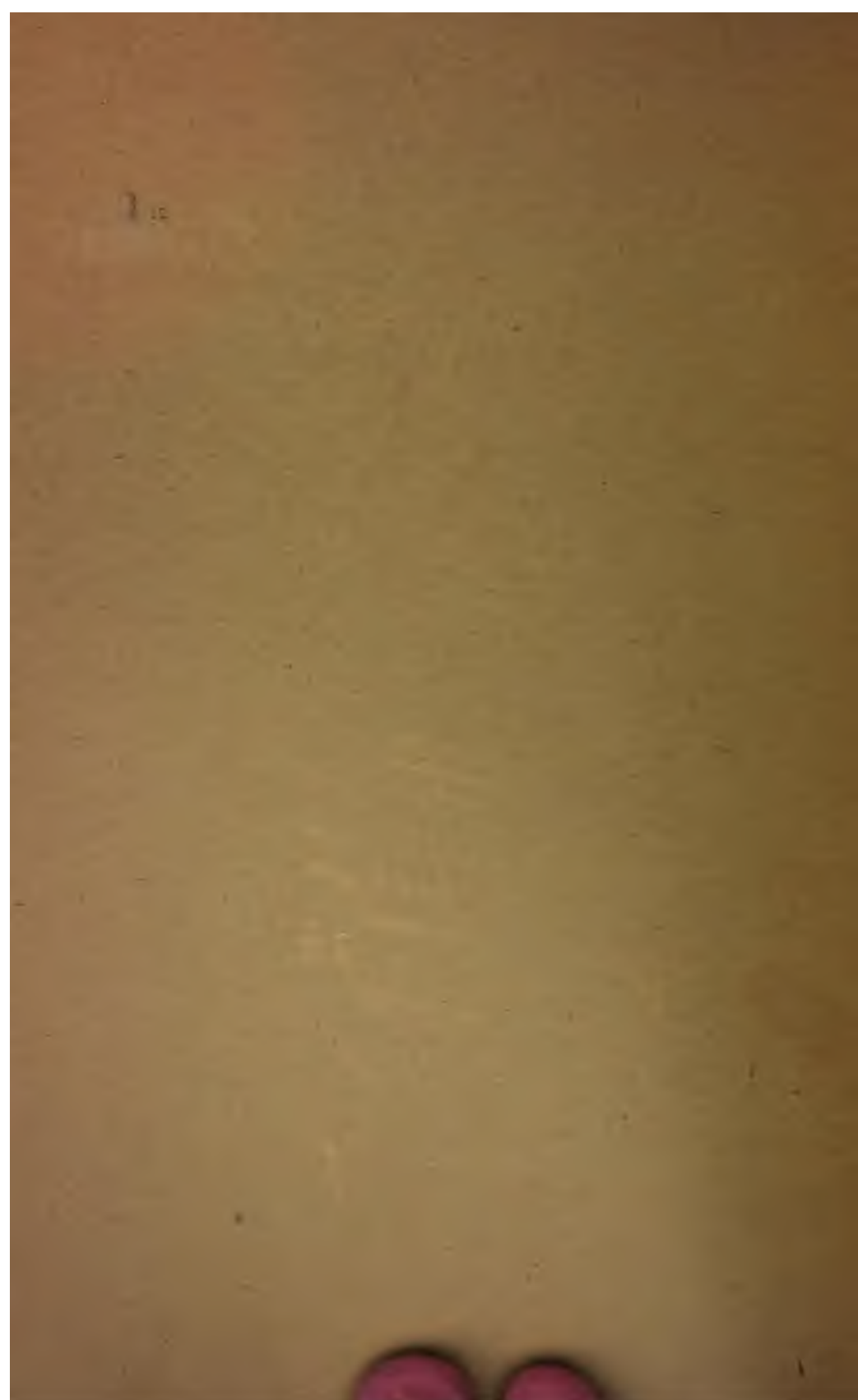
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OCTOBER, 1903.

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Photo by Porter in 1867 at Washington D.C.

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General John A. Gordon for William H. Garrison, regarding the State of Tennessee and the Island of St. Ignace, September 1, 1861.

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1. *Journal of the American Medical Association*, 1964; 191: 1001-1002.

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1990 V. 1, p. 101. 1991 V. 1, p. 101.

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White Paper, 1967

1998, p. 107) "This younger class"

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• *Journal of the American Medical Association*, 1997; 277: 1033-1037

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1. *Journal of the American Medical Association*, 1990; 263: 1025-1028.

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became interested in various enterprises incident to the development of a new country. He soon obtained the confidence of the people in his town, and was sent to Boston and New York to purchase goods for the business men.

In 1853, when twenty-four years old, he married Miss Ann W. Gregory, of Birmingham, Van Buren county. A little more than a year later he took his wife and child to Fort Des Moines, where he became interested in the real estate and banking business.

In 1855 he was a prominent factor in the removal of the State capital from Iowa City to Des Moines, and it was largely through his efforts that this was accomplished. It is a matter of great regret to many citizens of Iowa that he was not permitted to write the story of this event, as he had promised to do for the ANNALS OF IOWA.

The political views of General Williamson in these years, 1855-1860, were Democratic. In 1860 he was a delegate to the national convention in Baltimore, which nominated Douglas and Johnson.

The same year Williamson was chairman of the Democratic State Committee of the State of Iowa, and, as such chairman, called a convention of all persons who wished to avert a civil war, which met in Des Moines in the winter of 1860-61. Few of the large number of persons attending this convention believed there was any danger of war, and they were unwilling to seriously consider the question; but having been born in a slave state, it was Williamson's firm belief that war was inevitable, and from the hour when the first gun was fired in the cause of rebellion no one doubted where he stood. He began to put his business affairs in order, and when the call came he recruited a few men at Des Moines, and with a few others that were recruited by Judge Reed in Dallas county, they were sent to Council Bluffs and were made a part of what was known as the "Dodge Battery," which I was raising at the time I raised the Fourth Iowa. Hon. Caleb Baldwin, a judge of the Supreme Court of Iowa,

and a personal friend of mine, and also of Williamson, recommended him for the position of adjutant of the Fourth Iowa. Williamson told Judge Baldwin that if he did not get a commission he would enlist as a private in one of the companies of the regiment, if it was not full. I did not know Williamson personally, but upon Judge Baldwin's recommendation was glad to accept him. He came to me with a letter from Judge Baldwin or Governor Kirkwood, I forget which, which spoke very highly of him.

Soon after he reported and was mustered in, the regiment moved to St. Louis, and camped at Jefferson barracks. It had no arms, tents, uniforms, blankets, cooking utensils—in fact, nothing but the clothes the men had brought with them from their homes. We were immediately sent from St. Louis to Rolla, and the regiment landed there destitute of every necessity, except guns sufficient to mount guard. On arriving at Rolla, I immediately sent Williamson to St. Louis to obtain the necessary equipment for the regiment. In describing his difficulties in carrying out his orders, he said:

I entered upon an experience in the line of duty that was at least novel and unusual, and if I could make a faithful pen or word picture of it I feel sure that but few would believe me. I had been unable even to procure a uniform for myself, and I had to appear, or try to appear, before Major General John C. Fremont, commanding, in citizen's clothes, having nothing about me but my orders to indicate that I belonged to the military service. I never saw General Fremont, although I had appointments with him at unseemly hours. On the occasion of my first or second call I had handed to the chief of staff a correct and proper statement of my business, setting forth the condition of the regiment, and its imperative wants, before it could possibly be of any service to the government. An appointment would be arranged for some unseemly hour, say six o'clock and twenty-three minutes a. m., or some such time, and I was always at the entrance to the headquarters, watch in hand, at the time stated, only to be met by the guard and halted, who, when I explained that I had an appointment with the general commanding, would give an incredulous smile and deny me admission, saying that the general did not see any person until noon, or some later hour. After many weary days I obtained orders for such equipage as could then be had. I procured canteens from a stationery store, clothing from a hardware firm, camp kettles and cooking utensils from dry goods stores, not getting an article from a house that would ordinarily be dealing in the goods furnished. I drew muskets from the arsenal, etc.

These muskets were of Prussian make, and many of them burst at the first firing, and were more dangerous at their butts than at their muzzles.

Lieutenant Williamson was on duty as adjutant of the Fourth Iowa Infantry. He had no military training, practical or theoretical, in fact, was absolutely green in the duties of an adjutant, and naturally made many mistakes, but he studied hard and was anxious to learn, and was ready to obtain knowledge from everybody in the regiment. There were some officers and enlisted men who had had some experience, and some who had made a study of the tactics, but who had no practical use of them, and there were others who had at some time been in the regular army. All of these I endeavored to utilize in drilling the regiment, and from these and others there often came quite severe criticisms of Williamson, although they never reached my ears, officially, and not much attention was paid to them, as we were busy drilling the regiment.

Soon after Williamson returned from St. Louis the officers of the regiment all signed a petition asking him to resign as adjutant on account of his inexperience. The petition was presented by Lieutenant Nichols, an officer who had made a study of tactics, and was bright, but like many others had only the experience he had obtained since joining the regiment, but in the drilling I had given the regiment he had become efficient. This action of the officers greatly annoyed Williamson, but I had seen enough of him to know how valuable an officer he was, and instructed him to detail other officers to perform the duties of adjutant on dress parade. While many of them were up in tactics, not having served in that capacity, they all made mistakes when they came out at dress parade; this relieved Williamson of much of the criticism he had been receiving, and the officers who signed this petition, after themselves having an opportunity to perform the duties personally, were much more lenient in their judgment of Williamson. I know that Lieutenant Nichols,



who was an excellent officer, and afterwards became lieutenant colonel and colonel of the regiment, became a very warm friend and supporter of Williamson. He, like many others when they presented the petition to him, did not fully appreciate the duties which fall to an adjutant. A short time afterwards many of the officers, seeing Williamson's attention to his duties and his interest in the regiment, made and signed this endorsement on the petition: "We, the undersigned, having become satisfied of the competency of Adjutant Williamson, and being pleased to acknowledge his earnest desire to discharge his duty, as an act of justice, withdraw our names from the within petition, expressing the hope that our intercourse may be long and pleasant." This ended the controversy.

Williamson, in writing about this afterwards, said:

On this occasion I required all my strength to keep myself under control. Colonel Dodge uttered no speech to the committee; he said absolutely nothing; silence reigned until the end of the dinner. I finally broke the silence by saying to him, "Well! what shall I do?" His reply was, "Attend to the duties of your office." I have always regarded this as a most friendly act, and the one having a greater bearing on my military life than any other that ever came to me. If Colonel Dodge had hesitated, or said less than he did, I should, of course, have handed in my resignation.

During the winter of 1861-2, the regiment started on the Pea Ridge campaign as a part of General Curtis' army of the southwest. In that campaign I commanded a brigade, in which the Fourth Iowa was one of the regiments and Williamson was detailed as my adjutant. At the same time I kept full control of the regiment, and he kept his hands upon all the regimental details. We made a steady march until we reached Springfield. The enemy, under Price, were supposed to be occupying Springfield, and we lined up one night about midnight for the purpose of moving upon and attacking Springfield at daylight. We had put out our skirmish lines, and I can distinctly remember hearing Sigel's artillery on our right. The night was dark and I lost my skirmish line and sent Williamson after it. He was unable to find it,

and we were in great distress, thinking the enemy had captured it, but about daylight we saw men coming towards us, several of them mounted on horses, and in different costumes. The skirmish line had skirmished into Springfield, and finding no enemy there had taken the leavings of the Confederate army, and were coming out to us in great glee, so that our whole attack upon Springfield was a farce.

From Springfield we pushed on very rapidly, being occasionally halted as we went along by Price's rear guard, and never being able to bring his army into line of battle, though we were often forced into line of battle by the demonstrations of their rear guard, until we reached the country south of Cassville and Benton, where we rested until March 5, when we were aroused and moved back in the night to Sugar Creek, the enemy under Van Dorn being reported as moving north to flank us.

On the first day of the battle of Pea Ridge, while we were facing south, and lined up behind Sugar Creek, building entrenchments, one of the officers of Colonel Phelps' Twenty-sixth Missouri infantry reported to me that the enemy were passing around our right flank to our rear; that on the road they were taking to Cassville there was a ravine, or what was known as "Cross Hollow," which could easily be obstructed and detain their march. I immediately reported this to General Curtis, and he at once instructed me to detail a force and go there and obstruct the road. I made a detail, and with this officer as guide, went to the spot and spent some time felling trees across the road, and making such obstructions as were possible, as the enemy were at that time coming down the road, and two companies of my own regiment that had followed us had in the dark failed to find us; we thought they had been cut off by the enemy, but they came into camp all right. General Price, in his report, gives this as one of the reasons for not attacking us at daylight. In referring to this, Williamson says:

Regardless of all opinions, I have always thought and believed that the cutting of this timber saved Curtis' army from defeat. The enemy could easily have gotten into position, and had choice of the ground upon which to fight long before daylight, and could, and perhaps would have brought on the battle at daylight, which would have been a surprise.

The delaying of General Price's command gave General Curtis an opportunity and time to change his entire line from Sugar Creek, facing south, to Elkhorn Tavern line, facing north.

In the battle of Pea Ridge, in which the Fourth Iowa took so conspicuous a part, and for which it received so much credit, Williamson's conduct won the commendation and friendship of the regiment. My brigade remained on the field facing and fighting the enemy from the position we took in the morning until nearly dark, while the other brigade, which was posted at Elkhorn Tavern, was forced to fall back. Along towards night, not hearing any firing in that direction, I sent Williamson over to find Colonel Carr, who commanded the division, and ascertain what was going on. The enemy appeared to be on both my flanks, and I did not understand how they got around my left flank. Williamson ran into a column of the enemy that had been coming up the Elkhorn Tavern road, and was actually in our rear, and received their point blank fire without being hit. He came back and informed me of our condition; we were virtually surrounded, and I immediately drew out my brigade. My losses had been very heavy, in fact, there was not a field officer left in my command except myself. In falling back we passed very near to a column of the enemy; they evidently did not know who we were, but supposed us to be a portion of their own force and allowed us to pass on by them without making any demonstration. When we had fallen back close to the new line that was occupied by the rest of the division, General Curtis rode up and made inquiries as to what there was in front. I informed him, and told him we were out of ammunition, and he immediately ordered me to fix bayonets and charge the enemy. The brigade heard the order,

and, before I could repeat it, they had fixed bayonets and were charging over the same ground at a double quick, but we found the enemy had retired at the same time we did, and we returned and took up our position in the new line that had been formed for the night. On the second day Williamson was wounded, but kept the field. The third day's fight was very short. The defeat of the enemy on our left by Colonel Davis, and the loss of their two generals, McCullough and McIntosh, caused them to leave for Arkansas, and General Van Dorn, who was in command, sent word to General Price, who commanded in our front, to make a demonstration in the morning and retire by way of White river, and, in fact, to get out as best he could. As soon as we moved forward on the morning of the third day the enemy retired, and we could see them retreating in great disorder, spreading out over the hills. My brigade had the lead in following towards White river, and had commenced capturing stragglers of the enemy, but I was recalled in a short time, and returned to hold possession of the battlefield. Williamson went personally to General Curtis to inform him of what we had discovered, and what we thought could be accomplished by following the enemy in that direction, but because Sigel's command had fallen back toward Cassville General Curtis held us on the field which we had fought so hard to win.

After this action the lieutenant colonel of the regiment resigned. On March 23, 1862, at Keetsville, Mo., the officers unanimously recommended Williamson for the place, stating that in the late battle of Pea Ridge he behaved with such gallantry and bravery as to merit their hearty commendation. The officers also secured the opinion of the enlisted men, and reported them as being unanimously in favor of his promotion.

On April 4, Williamson was appointed lieutenant colonel and took command of the regiment, as I had left it soon after the battle of Pea Ridge, having been made a brigadier gen-

eral for its action in that battle. I did not see the regiment again until the Chattanooga campaign, although I was in constant communication with it from the beginning until the end of the war. Williamson communicated with me regularly, giving me all the news in relation to it, and asking my advice in regard to nearly everything of importance connected with it.

On the 12th of April Curtis' army began a rather memorable march from their camp near Keetsville through Missouri and Arkansas to Helena, on the Mississippi river, where they arrived on July 14, 1862. The march was long and wearisome, and it rained continually. The force was short of rations and was dependent upon the little that could be found in the country. They were out of touch with the rest of the world, and received no mail for nearly three months.

During this march Williamson wrote me many letters. In one, written May 16, 1862, he says:

General Curtis has been here for some time, and came out to meet us today. I was not expecting him, but had taken great care to bring in the regiment in good order, carrying both our national and regimental colors. I was complimented for the appearance and good order of our regiment, although some of the boys were entirely barefoot. We cannot get shoes.

On May 22 the unanimous recommendation of the officers of the regiment for the appointment of Williamson as colonel was forwarded to the governor, who consulted me in relation to the appointment, as he had done in the appointment of all officers in the regiment, and said in one of his letters to me: "All the commissions you recommended have been sent on, except as to the captain of the battery." One of the underlying reasons for the efficiency of the Iowa troops in the field and the confidence their superior officers had in them came from the fact that after a regiment entered the field Governor Kirkwood invariably took the advice of the officers as to appointments and promotions in it.

On July 31, 1862, Williamson received his commission as colonel. On July 15 he wrote me from Helena: "Can

you not bring some influence to bear that will get this regiment under your command? The men and officers desire it very much." I made application for the regiment several times, but as my commands were far away from where it was serving, I never succeeded in obtaining its services.

The regiment remained at Helena hunting guerrillas and reconnoitering through the country on both sides of the Mississippi river. The climate and malaria caused much sickness.

On December 23, 1862, General Sherman arrived with a fleet en route to Vicksburg. The Fourth Iowa was taken along, with others, and assigned to General J. M. Thayer's brigade of Morgan's Third Division of the right wing of the Thirteenth Army Corps, commanded by General Steele. In the battle of Vicksburg Bayou, Williamson was wounded, but did not leave the field. The regiment lost heavily in killed and wounded, but the Yazoo water that the command had to drink ultimately caused the death of more men than were lost in the battles of Vicksburg Bayou and Arkansas Post. In writing to me in relation to this attack, Williamson said:

After being under fire all day until about 3 o'clock, I received an order to charge the enemy's entrenchments right in the face of a battery that was planted above them. I never had seen the ground over which I was to pass, nor were directions given me as to the exact point where I should make the attack. I was only told to go forward, and that I would be supported by other regiments. Of course I did not want to be told a second time, but ordered the regiment forward at a double-quick, General Thayer going at my side. After getting under the enemy's fire I learned what I had not previously known, that there was immediately in front a narrow, deep swamp, which could only be crossed by the flank, which I was compelled to do, with a direct fire in front, and a cross-fire from the batteries on the right and left. As soon as the head of the line crossed I fled to the right and brought forward into line, and then we were enfiladed by what was before us, and were so exposed until we gained the first line of entrenchments and passed some distance beyond them. Here the discovery was made that we were not supported, and General Thayer said: "My God! what is to be done?" Knowing that it was certain destruction to a large portion of the regiment to fall back, and that it could be but little worse to stay, I said to him that I would hold the position I then had until reinforcements came up, or until it was rendered certain that they were not

coming. I held the place about half an hour, until I could see none of our troops on either flank, or in our rear, and no hope of support; then came the perilous task of getting out. I gave the order to fall back, and got the regiment off in good order. When I got back I found that the Thirtieth Iowa, which was to follow, had been ordered to the support of somebody else on the right, and the balance of the regiments which were to follow were lying on their bellies in the timber. My regiment and I had apparently been forgotten by everybody except General Thayer, who was weeping like a child on account of General Morgan having ordered away the first regiment which was to support me, and halting the balance of the brigade, which, I imagine, however, was not hard to halt. General Thayer is a brave man, and I believe if his arrangements had not been interfered with we would have gone entirely through the enemy's lines and carried the hill. There was gross mismanagement some place about General Thayer, but none on his part.

General Thayer in his report of the battle, after mentioning Colonel Williamson's name six times, says:

The conduct of the noble Fourth, both officers and men, throughout this terrible ordeal, is worthy of the highest praise. They pressed steadily and firmly forward, there was no flinching; they entered the enemy's works in splendid style. Colonel Williamson marched at the head of his column, and by his boldness and heroic courage won my unqualified admiration. He is deserving of the favorable consideration of his government. He was struck by three balls, but not severely wounded, and remained on the field the balance of the day.

The action of Colonel Williamson and his regiment in this attack received the commendation of his superior officers, and a board of officers authorized the regiment to place upon its banners, "First at Chickasaw Bayou." This is the highest compliment that could be paid to Colonel Williamson and his regiment for their action.

Colonel Williamson and his regiment returned from Chickasaw Bayou with Sherman's army, under the command of General McClernand, and took part in the battle of Arkansas Post. In writing me in relation to this battle, Williamson said:

The regiment was under fire all day at Arkansas Post, when another charge was ordered, but immediately countermanded, as the enemy ran up the white flag, just at the moment the regiment was ready to charge. If we had made the last charge, but few would have been left, as the enemy's entrenchments and rifle pits were well formed, and we would have been compelled to pass over a very level, open piece of ground to reach them.

The army returned to the Mississippi river, and landed at Young's Point, opposite Vicksburg. Thayer's brigade landed upon the levee. The river was very high, and the army had to throw down brush, trees and debris to lie upon the edge of the water. On the 2d of April the regiment went with Steele's division to Black Bayou, Rolling Fork and Sanfower, fighting guerrillas and Confederate forces all the time. Williamson said:

The expedition destroyed enormous quantities of corn and other supplies, burning great quantities of cotton, cotton gins, houses, etc. The march was through a very prolific and fertile country, and slaves by the thousands joined the columns, bringing all their belongings with them, expressing great joy and offering prayers for Mr. Lincoln. The fervent shouting of "Glory to God" was impressed upon my mind, and formed scenes never to be forgotten.

On our return Colonel Lorenzo Thomas visited our army, sent by the President to state the facts to the army and obtain its opinion as to organizing colored regiments and mustering them into the service. All the officers present were requested to express themselves upon the subject, and I was the first called upon. I favored the organization of the negroes, saying I believed they would make good soldiers, as I had seen many cases of bravery and devotion on their part, and had no doubt they would become obedient under proper officers. Somewhat to my surprise the short speech I had made was applauded, as I had no knowledge how the army felt. It was decided by Colonel Thomas before he got down from the wagon from which he spoke to the command that he would then and there detail officers to form regiments out of the negroes who had followed General Steele's command in the late expedition. This was one of the most decisive and notable incidents I witnessed during the war.

After this expedition, Colonel Williamson took part, under General Grant, in the campaign against Vicksburg, and was camped above Vicksburg on the Mississippi river, near the head of the proposed canal. On January 23, 1862, in writing to me about the canal, he said:

The canal which we are working on will never amount to anything for the reason that if a sufficient rise should take place to wash it out, it would wash the whole army away, as there is not a spot within fifty miles that does not overflow, except Vicksburg. I have not more than three hundred men for duty; the whole army is but little better than a hospital. I fear that I have lost my own health; I have not seen a well day for three months, and have lost thirty pounds of flesh, but I shall never give up while I can walk.



On May 1, 1863, Williamson, with his regiment, commenced the march to Grand Gulf, crossing after the rest of the army, and took part in the capture of Jackson. After two days, they moved from Jackson, by way of Clinton, Bolton and Bridgeport, to Vicksburg. During all this time Williamson was very ill, but remained with his command. On May 18, the Fourth Iowa, under the eye of General Sherman, fought its way to a position not far from where it made its first attack upon Vicksburg. On the 19th Colonel Williamson took part in the attack, but the ground over which they had to move was impassable, and Colonel Milo Smith, of the Twenty-ninth Iowa, was killed while consulting with Williamson as to how they should get their regiments out without serious loss. Up to the surrender his command worked at sapping and mining, getting close up to the rebel entrenchments. Colonel Williamson was obliged to take a leave of absence before the surrender of Vicksburg on account of his own illness and the critical illness of his wife. He returned to his command within thirty days, but this leave, no doubt, prevented his being recommended for promotion, for at a later day when General Sherman met Mrs. Williamson, he said: "You are the little woman for whom General Williamson sacrificed the hope of promotion by going to see," and then added, with kindly humor, "I don't blame him now."

Upon Williamson's return to Vicksburg he was assigned to duty in command of a good strong fighting brigade, the Third Brigade, First Division, Fifteenth Army Corps.

General Grant's general order, dated Vicksburg, Miss., October 15, promulgates the report of a board of officers, appointed for the purpose of determining the names of the battles that the regiments of the Fifteenth Army Corps were entitled to inscribe upon their colors and guidons. The report authorized the Fourth Iowa to inscribe upon its colors and guidons, "Pea Ridge," "First at Chickasaw Bayou," "Arkansas Post," "Vicksburg, siege and assault, 19th and 22d," "Jackson."

On the 22d of September, 1863, Williamson's brigade took steamers to Memphis and marched to Corinth, Miss., where Colonel Williamson took command of the Second Brigade, known as the Iowa Brigade, First Division, General Osterhaus commanding, Fifteenth Army Corps, General Sherman commanding, and took part in the movement towards Decatur, Ala., fighting at Dalton Station on the 20th, at Cherokee Station on the 21st, where Colonel Torrence of the Thirtieth Iowa was killed, at Barton Station on the 26th, and at Tuscumbia on the 27th, taking the town. As showing the enemy's force in front, Colonel Williamson quotes my dispatch to General Sherman as being Wheeler's and Lee's divisions of cavalry, Walker's and Roddy's brigades of cavalry, and Forrest with 350 men south of the Tennessee and east of Tuscumbia. On the 30th Williamson's brigade crossed the Tennessee at Chickasaw Landing, and marched with the rest of the Army of the Tennessee to Chattanooga. They reached Stevenson on November 16, and he said: "The road from there to Chattanooga was well nigh impassable, not only from being cut up by the large trains, but from the large number of dead mules left in the roadway." On November 23 they arrived at Lookout creek. The pontoon bridge crossing the Tennessee was broken that night, and the First Division, Fifteenth Army Corps, General Osterhaus commanding, was assigned to General Hooker's command.

On November 24, 1864, Colonel Williamson's brigade carried the point of Lookout Mountain, fighting above the clouds; it was the first brigade to break through the enemy's lines, and greatly distinguished itself. I have this from Colonel Daniel Butterfield, General Hooker's chief of staff, who informed me that in going to Geary's division, which came from the Army of the Potomac, seeking to ascertain the position and condition of the troops, he found Osterhaus' division furthest advanced, and troops of Williamson's brigade just capturing Lookout Point; and when the New York monument was erected he intended that the names of the reg-

iments composing Williamson's brigade should appear on that monument as having captured the point.

General Osterhaus in his report, after describing the taking of the point of Lookout Mountain, says:

The rebels charged with great vehemence, and attempted to regain the numerous entrenchments they had thrown up all around to the White house. They were, however, signally repulsed, and my regiments held this important point during the night. The enemy, fully aware of the importance of the position gained by us, made several attempts to dislodge us in the fore part of the night. . . . After midnight he abstained, and commenced his retreat toward Missionary Ridge.

General Osterhaus in his report upon Missionary Ridge, says:

With a view of flanking the enemy's position in Roswell's Gap, General Woods, with the First brigade, was ordered to take the ravine on the right. Colonel Williamson's Second brigade ascended the steep Missionary Ridge, . . . striking both their flanks, and, their line of retreat threatened, the enemy hastily evacuated the gap. . . . They had to leave their artillery, wagons, ambulances and subsistence stores in our hands.

Speaking of the second attack, he said:

The Second brigade, Williamson's, fired a salvo into the terrified rebels. . . . Finding their escape impossible, they obeyed my orders and laid down their arms. My division took over two thousand prisoners and one piece of artillery.

Writing of the battle of Ringgold, fought November 28, Williamson says:

Taylor's Ridge, at Ringgold, is a bold, rocky faced ridge, and very difficult of ascent. Bragg's army had all the time they wanted to get there, and to form in line on this crest almost out of any danger from an attacking force. I do not know where the order originated, but I was ordered by General Osterhaus to go forward, keeping my right well toward the gap. I endeavored to go up, and did go up, under a killing fire, in which I saw more valuable lives thrown away, absolutely sacrificed, without any apparent purpose or reason (as it afterward developed), than I have ever seen out of so small a number before, but except what General Osterhaus says in his report, this whole battle seems to have been lost sight of in history, so far as I can learn. In the attack my brigade lost over eight hundred men.\*

\*General Grant, in his "Personal Memoirs," vol. 2, p. 91, speaking of Hooker's attack, says: "This attack was unfortunate, and cost us some men unnecessarily."

Charles A. Dana, Assistant Secretary of War, in his dispatch to Secretary Stanton, dated Ringgold, November 28, 1863, 8 a. m., in volume 31, part 2, page 70, of the Rebel-

After Chattanooga, General Sherman in his report, says:

I must say that it is but justice that colonels of regiments who have so long and so well commanded brigades shall be commissioned to the grade which they have filled with so much usefulness and credit to the public service, namely: . . . . J. A. Williamson, Fourth Regiment Iowa volunteers.

For the action of Colonel Williamson and the Fourth Iowa in the battles of Lookout Mountain, Missionary Ridge and Ringgold, General Grant, on February 4, 1864, upon the report of the board of officers, authorized the regiment to inscribe "Chattanooga" upon its colors.

After the battle of Chattanooga, Colonel Williamson with his brigade returned to Woodville, Ala., and remained for the winter. On January 1, 1864, the Fourth Iowa re-enlisted. On February 26th they started for home on veteran furlough, and arrived at Des Moines on March 9th. The city gave them a magnificent reception, and the legislature adopted the following resolutions:

WHEREAS, We have learned that the veterans of the Fourth Iowa have re-enlisted for three years, or during the war, and that they are now on their way to this city on furlough, to enjoy for a short time the blessings of the domestic circle, and the citizens of Des Moines are preparing to give them a proper reception; and deeming it our duty as their repre-

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lion Records, has this to say of the fight at Ringgold: "Yesterday the first great fault in this admirable campaign occurred at this place. General Hooker arrived here about 9 a. m. with Geary's Division, Twelfth Corps, Osterhaus' Division of Sherman's army, lately commanded by Woods, and two divisions, Fourteenth Corps, under Palmer. The enemy were drawn up in the narrow gorge where the railroad passes between Taylor's Ridge on the right and White Oak Ridge on the left, the two ridges being, in fact, but parts of the same range of hills. It was a very dangerous defile to attack in front, and common sense plainly dictated that it should be turned. This could be done without difficulty by way of White Oak Ridge, which can be passed with ease in many places, while Taylor's Ridge is steeper, though infinitely easier to go over than Missionary Ridge at Chattanooga. However, Hooker attacked in front, and the result was officially reported by him last night in the loss of 500 killed and wounded, where there was no necessity of losing fifty. Having been repulsed in his first attempt, Hooker tried to turn the position, but in this blundered yet worse, for he sent his troops through the nearest gap in White Oak Ridge, not more than half a mile distant from the gorge, where the movement was fully visible to the enemy, and where they had time to prepare a destructive cross-fire, which made this attack quite as fatal as the former. Having thus failed in this flank movement, in which the Twelfth Missouri lost nearly all its officers, he sent Geary's troops again to the front and finally carried it by Geary's New York regiments. The troops of Osterhaus suffered most."

sentatives to express our appreciation of their gallantry and their services in the suppression of the rebellion; therefore, be it

*Resolved, by the General Assembly of the State of Iowa,* That we have watched with pride and admiration the Fourth Iowa Infantry, as step by step they have borne the ensign of the free, on the memorable fields of Pea Ridge, Chickasaw Bayou, Arkansas Post, Jackson, Vicksburg, siege and assault, Cherokee, Caney Creek, Tuscumbia, Lookout Mountain, Missionary Ridge, and Ringgold, and in their long and weary marches, enduring all the privations and hardships of a soldier's life, they have toiled on and fought for home, kindred and country until the mute graves of their comrades in arms point in sadness to the remnants of brave men, who have honored their State and added to the glory of the nation.

*Resolved,* That in the re-enlistment of said regiment, we have the strongest evidence of their attachment to the principles of civil liberty; and that their love of country is paramount to all other considerations, and entitles them to the lasting honor and gratitude of those whose firesides have been protected by their arms.

*Resolved,* That as a token of our confidence and regard for the distinguished services of that regiment, we will adjourn and attend in a body the reception of the veterans on their return to this city.

*Resolved,* That the governor be requested to present them with a copy of these resolutions, and on behalf of the members of this general assembly bid them welcome to the capital of the State whose honor they have kept so sacredly untarnished.

When their furlough expired they returned to Woodville. Williamson, in writing me from Des Moines April 1, 1864, said: "The boys have been well received everywhere in Iowa and have been guilty of only one lawless act, and in that I think they are sustained by nearly all loyal men."

On the first of May the Second Brigade, First Division, Fifteenth Army Corps, under Colonel Williamson, left Woodville for Chattanooga to take part in the Atlanta campaign.

In the battle of Resaca they attacked with the rest of the Fifteenth Corps, and Williamson's brigade occupied the town.

At the battle of Dallas his brigade held the extreme right of the Army of the Tennessee, and held a position in advance of his corps, and was continually attacked for two or three days.

At the great battle of Atlanta on the 22d of July Wil-

Williamson was on the extreme right of the Army of the Tennessee. His division was commanded by General Charles R. Wood, and when General J. C. Brown's division of Stewart's Confederate corps broke through Morgan L. Smith's division of the Fifteenth Corps on the Augusta road, capturing DeGrasse's battery and threatening to cut our army in two, Colonel Williamson with his brigade, under the eye and orders of General Sherman, moved down the flank of Brown's division, while a brigade of the Sixteenth Army Corps under Colonel Mersey of the Ninth Illinois Infantry, which General Logan had come to me to obtain, moved on the direct front, and the two recaptured the line and retook the battery. Williamson says:

I left the Ninth Iowa in the works and sent the Fourth Iowa to the right to occupy a rebel battery which commanded the head of a ravine which led to our line in the only place where there were no entrenchments. The regiment had not more than formed before it was assaulted by a brigade of rebel infantry under Colonel Baker, and a very stubborn fight ensued. The regiment nobly held the position and finally repulsed the assault, inflicting great loss upon the rebels in killed, wounded and prisoners.

In this attack Lieutenant Colonel Nichols, who commanded the regiment, was wounded.

In writing of the battle of Ezra Church on the 28th of August, Williamson said:

General Logan, commanding the Fifteenth Army Corps, came to me on foot after the battle had opened, as it was impossible to come on horseback, and cautioned me, saying, from his knowledge of the way the enemy was moving, that I would have a hard time, and the success of the battle might depend upon what was done on my front. He said, "If you will say that you can and will hold this point, I shall feel comparatively safe as to the result." I answered him that I would do my best; that he knew my command and knew they were not much accustomed to giving way, and that we would hold that point as long as there was a man left. General Logan had feared the determined effort of the enemy that was made to break the line at that point was such as I had never witnessed during the whole war. They came in double lines, and kept coming. The nature of the ground, however, was very much in our favor, and it appeared that if our fire was too high for the front line it was sure to catch the next, or the next, and later, when I looked over the battle-field, it had the appearance

of a whole line of battle that had fallen with the front line only a few yards away from us. This was the most sickening sight I had ever witnessed. It looked more like a slaughter than a battle.

Governor Stone, of Iowa, visited the Army of the Tennessee on the day of this battle, and General Sherman in conversing with him, said: "Colonel Williamson is at the front with his brigade, pitching in, as he always does."

On September 1 Colonel Williamson was slightly wounded in the hand.

In the final swing of Sherman's army to the rear of Atlanta, Williamson's brigade took part in all the engagements. It won additional laurels at Lovejoy Station, when the Fourth Iowa, under the eye of the commander of the division, defeated the enemy and saved one of our batteries.

Williamson, in his report of the whole campaign, Chattanooga to Atlanta, says:

So closes the record of this memorable campaign. I could not make it more brief and do justice to the regiments of my brigade. The vast amount of labor done by this command, in addition to the marching and fighting, and the cheerfulness and zeal with which it has been performed, is sufficient to encourage the best hopes for the success of our army. The casualties of the brigade during the campaign had been 280.

General Charles R. Wood, commanding the division, commended Colonel Williamson for gallantry, especially on the 22d and 28th of July, also Colonel S. D. Nichols, commanding the Fourth Iowa Infantry.

Major General Logan, commanding the Fifteenth Corps, on September 13, in making his report, asked for the promotion of Colonel Williamson to the rank of brigadier general. When the campaign was over, General Sherman wrote the following characteristic letter;

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI, }  
IN THE FIELD, GAYLESVILLE, ALA., Oct. 24, 1864. }

*General H. W. Halleck, Chief of Staff, etc.:*

GENERAL: I have always designed to canvass the claims to promotion of all aspirants in the army, so as to save the president the invidious task of judging among so many worthy men, all of whom can only be known to him by the record. But events and movements have followed each other so rapidly that my army commanders have not been able to attend to the

matter, but have sent into my office the detached papers of each. These I enclose herewith, endorsed with my own individual opinion. I have not General Thomas' list, but will instruct him to send it direct from Nashville, where he now is. If necessary to promote to divisions and brigades the officers now exercising the rank of major general and brigadier general, it be necessary to create vacancies, I do think the exigencies of the country would warrant the mustering out of the same number of generals now on the list that have not done service in the past year.

Among the colonels aspiring to the rank of brigadier general I can only name Colonel J. A. Williamson, Fourth Iowa; Colonel Thomas J. Harrison, Eighth Indiana Cavalry, and Colonel R. H. G. Minty, of Second Michigan Cavalry, who have long and well commanded brigades, and who seem to have no especial friends to aid them in advancement.

W. T. SHERMAN, Major General.

After the battle at Lovejoy Station, Williamson's brigade returned to Atlanta, and took part from October 3 to 26 in the pursuit of Hood's army to the rear, and then returned again to Atlanta.

On December 19, 1864, Colonel Williamson was made brevet brigadier general for gallantry and good conduct in the campaigns against Vicksburg, Chattanooga and Atlanta.

In the march to the sea, Williamson's brigade became the Third of the First Division, Fifteenth Corps. They left Atlanta November 15, and took part in the fights at Griswoldsville on November 22, Ogeechee river December 7 and 9, and Savannah December 10 to 21.

After the capture of Savannah Colonel Williamson was appointed a brigadier general on January 13, 1865, and soon after left his command and returned to Iowa, by way of Washington and New York. Upon learning this I immediately applied to the war department for his assignment to my command, the Department of Missouri, but received word from the war department that his commission had not yet been signed, but was on the president's table. On March 14, 1865, he was appointed brevet major general, U. S. V. It was May 20 before his commissions and orders reached him, and early in June he reported to me at St. Louis, and I assigned him to the command of the District of Missouri, in which position he served until July, 1865, when I relieved



him from his command and ordered him to report to me in person for duty in the Indian campaigns. On this campaign he was assigned to duty on my staff, and accompanied me to Colorado, and north to Fort Laramie and the Powder river. While he was with me the order for his muster out was issued August 24, 1865, but he did not receive it until he returned to Fort Leavenworth; he was mustered out November 13, 1865.

The government awarded him a medal of honor for the following service: "Leading his regiment against a superior force strongly entrenched, and holding his ground when all support had been withdrawn." This was a suitable closing of his military career as a soldier in the civil war.

While he was in the army, the Iowa State Republican convention in 1864 elected Colonel Williamson chairman of its delegation to the National Republican convention, which met that year in Baltimore, but he was then engaged in the Atlanta campaign, and declined to leave the field. Four years later he served as chairman of the Iowa delegation at the national convention held in Chicago.

In 1866, after the close of the war, General Williamson returned to Des Moines and resumed his law practice. He removed that year to Fort Smith, Ark., and while residing there returned to Iowa soon after I was nominated for congress, and upon his own motion stumped my district with Governor Kirkwood. He wrote many letters to the comrades and his friends. My duties were such that I was obliged to be absent from the district. In a letter from Des Moines, dated September 28, 1866, he said:

I regret that I did not see you when I was out at your place. Kirkwood and I went the rounds and spoke at the places advertised for Kirkwood, and we found everything all right. You will be elected by a large majority, larger than any man ever had in the district.

In 1867 General Williamson was talked of and urged to become a candidate for governor, and his own county sent a full delegation in his favor.

He had been offered an appointment in the regular army, and on January 3, 1867, wrote me in relation to it as follows: "I could not accept a position in the regular army. My family is large, and are of the age to need me at home."

In 1863 General Williamson and myself were delegates to the Republican national convention.

In the fall of 1868 Williamson took charge of the land and lot agency of the Union Pacific Railroad west of Green River, and was with me until the completion of that road in 1869. He then became largely interested in western lands and mines, and went abroad in those interests. The panic of 1873 stopped for a time all negotiations in London, and he returned home.

In 1876 General Grant tendered him the position of commissioner of the general land office, which he accepted; he remained in that position until 1881. During this time he was chairman of the public land commission, created by act of congress May, 1879, to codify and review the laws for the disposal of public lands, and to examine and report upon the character of arable and arid lands, and the mining and timber lands. In this examination he rendered very valuable services to the government.

In 1881 he became land commissioner of the Atlantic & Pacific railroad, subsequently its general solicitor, and finally its president. Upon leaving this position in 1892, he retired from active life.

In 1891 he married his second wife, Miss Maria Hall, who survives him.

For seven years he has been a resident of New York city, spending his summers abroad, or at his summer home in Jamestown, Rhode Island. In 1900 it was my pleasure to accompany him to Carlsbad, Austria. We spent three delightful months together at this Spa and on the continent, and finally separated at Paris, where he remained and I returned home.

During his seven years residence in New York we were

frequently together at the club, and socially, and we spent many delightful days and evenings together, discussing old experiences and campaigns. It was then I learned what a devoted student and reader my old comrade was, and how much he had gathered up and stored away of what he had seen in his travels and from his extensive reading. He took great interest in all scientific works, especially in connection with the lives, character and habits of the ancients, and visited many of the places where these investigations were being made.

He was also in continuous communication with the old soldiers who served under him, aiding them with advice and financially. In his later years he attended yearly the meetings of the Society of the Army of the Tennessee, and his death will bring great sorrow to that army, as he took an active interest in all its doings and knew personally nearly every one of its members. He was also a regular attendant of the meetings of the New York Commandery of the Loyal Legion, LaFayette Post, G. A. R., and of the Union League club of New York. He was also a member of the Army and Navy club of Washington.

It was only within the last year that his health began to fail, and almost up to the day of his death he was planning for the future, but he lay down and went to sleep, quietly and peacefully, just as he wished to, and was laid at rest in Rock Creek cemetery, Washington, D. C. His pall-bearers were General G. M. Dodge, Hon. Frank W. Palmer, Hon. M. D. O'Connell, General Alfred E. Bates, U. S. A., Captain Charles Train, U. S. N., Mr. Colgate Hoyt, and Mr. C. M. Whittington. Representatives of the government, delegations from the different societies of which he was a member, and from the general land office, were present, and with many others remembered him with beautiful floral tributes.

General Williamson leaves a widow and four daughters by his first wife—Miss Haidee Williamson, Mrs. Warner B. Bayley, wife of Commander Bayley of the navy, Mrs. George

R. Stearns of Augusta, Ga., and Mrs. Roy Jones of Santa Monica, California.

General Williamson was of fine, commanding appearance and inspired confidence in all with whom he was associated. He was prompt in action, a gallant soldier, a genial and model citizen. The official reports show him to have been a faithful and efficient public officer, and the war records testify to the truth of the remarks made by General Grant, when he visited Des Moines and inquired particularly about General Williamson of "Ret" Clarkson; he spoke of him in the highest terms as an excellent soldier who had received less reward for his services and the work he accomplished than any other officer of his rank in the service.

His own State of Iowa has placed his medallion bust on its soldiers' monument in testimony of the honor he has brought her, and the credit he had done himself in the civil war, and every comrade who served under him will say with me, that he has answered the last roll call beloved and regretted by all his comrades, and by everyone who knew him.

NEW YORK CITY, OCTOBER, 1902.

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THUS THE SOUTHERN boundary of our State is at last settled and no future uncertainty or difficulty will be experienced on account of it. The commissioners acted throughout with the utmost harmony and good feeling, and the line they have surveyed will, no doubt, be finally made by the proper authorities, the boundary of the two states forever.—*Western Democrat, Andrew, Iowa, October 9, 1850.*

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THE RECENT RAINS have so raised the streams between this place and Galena, that the mail carrier has so far been unable to reach that city. We are consequently unable to lay before our readers our usual quantity of eastern news. The mails from the south bring us only an occasional paper, owing to the same cause. The Maquoketa and Wabsipinicon are almost impassable.—*The Western Democrat, May 28, 1851.*





MA-HAS-KA, OR WHITE CLOUD,  
An Iowa chief, for whom one of our large and populous counties was named.

## IOWA IN UNORGANIZED TERRITORY OF THE UNITED STATES.

AUGUST 10, 1821—JUNE 28, 1834.

BY REV. WILLIAM SALTER, D. D.

Upon the admission of the State of Missouri into the Union, the country north of that State, and the residue of the Louisiana Purchase north of 36°, 30', were left without law or government, except the prohibition of slavery and laws to regulate the Indian trade. Traders and army officers, however, as occasion served, still carried slaves into the territory.

The soil of Iowa continued in the occupancy of a few Indian tribes, who lived in villages on banks of rivers, and often fell foul of one another as they roamed over the prairies in hunting expeditions. There were about six thousand Sacs and Foxes with a thousand Ioways in eastern and central Iowa, one or two thousand Otoes, Pawnees and Omahas in western Iowa, and roving bands of Sioux in northern Iowa, numbering a thousand more; in all, about ten thousand souls. War was their native element, the ideal of savage life. A skulking band of Sacs under Pash-e-pa-ha and Black Hawk, in May, 1823, for some real or imagined wrong, surprised and nearly exterminated an Ioway village upon the Des Moines river at Iowaville, while the braves of the village were at their sports and games, without arms.

During this period the American Fur Company monopolized the Indian trade, and made exorbitant profits. Regardless of the laws prohibiting the introduction of intoxicating liquor into the Indian country, they smuggled it in under artful devices. Congress fostered the Santa Fe trade, and the rich fur trade of the upper Missouri and the Rocky Mountains, but made no provision for the prairie country between the Mississippi and the Missouri. President Monroe in his message, December, 1824, suggested the removal

to this region of the northern Indians who were east of the Mississippi, with schools for their industrial education, as had been recommended by the secretary of war, John C. Calhoun. President Jackson made a similar recommendation in his message to congress in 1829. Had these suggestions been carried out, what is now Iowa might have been for northern Indians what the Indian territory has been for the southern Indians. But the Indians who held this region scouted civilization and an industrial life; and the Winnebagoes and the Pottawattamies, who were removed into the region at the close of this period, profited little by their removal. The condition of children and old people among the Indians was extremely pitiable, as reported by the Commissioner of Indian Affairs, William Clark, in 1826:

During several seasons in every year they are distressed by famine in which many die, and the living child is often buried with the dead mother. They have neither hogs nor cows, and do not want them, because they would eat up their little patches of corn which are without fences, and because, as the whole nation go out to hunt twice a year, they want nothing but horses and dogs which accompany them. In these expeditions the aged and infirm, when unable to keep up, are frequently left to die.

Had the different tribes lived at peace among themselves, and with the United States, they might have remained where they were. There was no disposition to acquire their lands at that time on the part of the United States. Such a disposition was expressly disclaimed by the agents of the Government, Lewis Cass and William Clark. Large tracts of land east of the Mississippi were still unsettled. There seemed no necessity, as there was no demand, for more land to be thrown open to the white people. At the same time the State of Missouri desired the removal of the Sac and Fox and Ioway Indians from the lands they held or claimed in that State. A deputation of the chiefs and head men of those tribes was taken to Washington, D. C., in 1824, and treaties were made with them for the cession of those lands to the United States. The famous Sac chiefs, Pash-e-pa-ha and Keokuk, the Fox chief, Tama, and the Ioway chief, Mahaska,







RANT-CHE-WAI-ME,  
"The Female Flying Pigeon," wife of the Iowa Chief Ma-has-ka. She was one of the  
most beautiful Indian women of Iowa Territory, distinguished  
also for other high qualities.

were in the deputation. Flying Pigeon, Mahaska's wife, accompanied him. He had refused her request to go, but she followed him to St. Louis, and with tomahawk in hand claimed her right to keep him company. He yielded to her importunity. A woman of handsome presence and noble bearing, she was feted at the White House as an Iowa princess, and her portrait painted for the Indian Gallery. After the cession took effect, January 1, 1826, those tribes were confined to their lands in what is now Iowa, save that Black Hawk and his band, who were known as the Sacs of Rock river, remained east of the Mississippi. The treaty with the Sacs and Foxes also provided that "the small tract of land lying between the rivers Des Moines and Mississippi, and the section of the State boundary line between the Mississippi and the Des Moines, is intended for the use of the half-breeds belonging to those nations;" according to the sentiment in the Indian mind that care and protection were due to any who inherited their blood.

In those years the Sacs and Foxes kept up their hereditary war with the Sioux. In order to promote peace and establish boundaries between them, as well as between all the tribes from the Lakes to the Missouri river, invitations were sent out to the chiefs and head men of those tribes to assemble at Prairie du Chien in the summer of 1825, and in a spirit of mutual conciliation accomplish those objects. It was a great assemblage. Eva Emery Dye describes it in "The Conquest—the True Story of Lewis and Clark," with graphic pen:

Prairie du Chien was alive with excitement. The village and both banks of the river above and below were covered with high-pointed buffalo tents. Horses browsed upon the bluffs in Arabian abandon. Below, tall and warlike Chippewas from Superior and the valley of the St. Croix, and Winnebagoes from Fox river and the Rock river, jostled Menomonees, Pottawattamies and Ottawas, from Lake Michigan and Green Bay.

Agent Taliaferro from the Falls of St. Anthony made the grand entry with the Sioux, four hundred strong, drums beating, flags flying.

Over from Sault St. Marie the learned Schoolcraft had brought one hundred and fifty Chippewas.

Keokuk, the Watchful Fox, with his Sacs and Foxes, was the last to arrive. They had camped on an island below to paint and dress, and came up the river in full war costume, singing their battle-song. It was a thrilling sight when they came with spears and battle-lances, casting bitter glances at their ancient foe, the Sioux. Nearly nude, with leather war-flags flying, and beating tambourines, the Sacs landed in compact ranks, breathing defiance. From his youth Keokuk had fought the Sioux; bold, martial, frowning, he shook his war lance at them.

At the signal of a gun, every day at ten o'clock, the chiefs assembled.

"Children," said Governor Clark, "your great Father, the President, has sent us here not to ask anything from you, not the smallest piece of your land. We have come for your good. Your great Father has been informed that war is carried on among his red children,—the Sacs, Foxes, Ioways, on the one side, the Sioux on the other; and that the wars began before any of you were born.

"Heigh! Heigh!" broke forth the silent smokers.

"Heigh! Heigh!" exclaimed the warriors.

"Heigh! Heigh!" echoed the vast assembly.

"Your Father thinks there is no cause for you to continue at war. There is land enough for you to live and hunt on, and animals enough. Why not peacefully follow the game, and provide for your families? Why do you send out war parties to destroy each other? The Great Spirit made you all of one color, and placed you upon the land. You ought to live in peace as brothers of one family. Your great Father has heard of your war-songs and war-parties. They do not please him. He wants his red children to bury the tomahawk.

"Children, your wars have come from your having no boundaries. You do not know what lands belong to you, and your people follow the game into lands claimed by other tribes."

"Heigh! Heigh! Heigh!" shouted all the Indians.

Governor Lewis Cass, of Michigan Territory, spoke:

"Children, your great Father does not want your land. He wants to establish boundaries and peace among you. Children, you are hungry. We will adjourn for two hours."

"Heigh! Heigh! Heigh!" rolled the chorus of a thousand voices.

As to an army, rations were distributed; beef, bread, corn, salt, sugar, tobacco. Each ate, ate, ate,—till not a scrap was left to feed a humming-bird.

Wabashaw, Red Wing, and Little Crow were the great Sioux chiefs, as their fathers of the same name had been before them. "Boundaries!" they said; "we know not the word." The idea was foreign to an Indian mind. "We are all one people. I claim no lands in particular," said Mahaska, the Ioway chief, whose bands from the discovery of the country had sped their canoes from river to river over the whole region from Lake Michigan to the Missouri, and from the St. Peter's to St. Louis. "I never heard that any one had an exclusive right to land," said another chief. "I have a tract of country where I was born, and now live," said Red Bird, the

Winnebago, dressed in white deerskin and scarlet, and glovefitting moccasins, the dandy of his tribe, "but the Foxes claim it, and the Sacs, and the Ottawas. We use it in common."

Chiefs sat on the ground, and marked off on the earth the rivers that bounded the lands they claimed, and maps were drawn on birch bark, outlining the hunting grounds of the different tribes. The lines crossed and recrossed each other.

"Here are the causes of your wars," said the United States Commissioners. "It is better for you to give up your disputes, and agree among yourselves upon a limitation of your boundaries."

After much discussion, and fierce and fiery talks at one another, the different tribes agreed to listen to the Commissioners, to adjust their boundaries, and make a firm and perpetual peace with one another and with the United States.

To speak only of what relates to this history,—the Upper Iowa river from its mouth to the source of its left fork, thence crossing the Red Cedar in a direct line to the upper fork of the Des Moines, thence in a direct line to the lower fork of the Big Sioux river, and down that river to the Missouri, was made the boundary line between the Sioux and the Sacs and Foxes. The claim of the Ioways to a portion of the country with the Sacs and Foxes was acknowledged, also the claim of the Otoes to a portion of the country on the Missouri river. The Sacs and Foxes relinquished all claim to land east of the Mississippi, and acknowledged the reservation made for the half-breeds in 1824. It was further understood that no tribe should hunt in the limits of another without its assent, and that in case of difficulties all the tribes should interpose their good offices to remove them.

Of the one hundred and thirty-four chiefs who signed this treaty, twenty-six were Sioux, twelve were Sacs, sixteen were Foxes, and ten were Ioways. President John Quincy Adams in his first annual message, December 6, 1825, referred to this treaty as "an adjustment of boundaries, and pledges of permanent peace between tribes which had been long waging bloody wars against each other."

The Indians, however, could not keep their agreement. They had no sense of treaty obligations. "To touch the goose-quill" meant nothing. The slightest provocation, an

imaginary affront, called for the scalp of their enemies. They were soon at war again. The Sioux still came down on their old enemies.

"In May, 1830," says an eye-witness, "I visited Prairie du Chien, and was a guest of Joseph Rolette, agent of the American Fur Company. One evening we were startled by the reports of firearms on the Mississippi, succeeded by sounds of Indian drums and savage yells. About midnight we were aroused by footsteps on the piazza and by knocking on the doors and shutters. Mr. Rolette went out to ascertain the cause, and was informed that a bloody battle had been fought, and the visitors were the victors, and called up their trader to obtain spirit-water for a celebration. Their wants were supplied. The warriors kept up a horrible pow-wow through the night with savage yells. In the morning we heard the particulars of the fight, and during the day witnessed a most revolting exhibition.

"On the day before the battle, some twenty Sioux joined by a few Menomonees encamped on an island opposite Prairie du Chien. The Sioux had information that a party from the Fox village at Dubuque were to visit Prairie du Chien, and would encamp for the night near the mouth of the Wisconsin river. That afternoon the Sioux party descended the Mississippi and hid in thick bushes near where their victims would encamp. Between sunset and dark, the unsuspecting Foxes,—one old chief, one squaw, a boy of fourteen years, and fifteen warriors,—came up and disembarked. After they had landed, and were carrying their effects on shore, leaving their guns and war-clubs in the canoes, the party in ambush sprang to their feet and fired upon the Foxes. All were slain, except the boy who escaped down the river. Hands, feet, ears, and scalps were cut off, and the heart of the chief cut from his breast, as trophies.

"The next day the victors accompanied by a few squaws paraded the streets with drum and rattle, displaying on poles the scalps and dismembered fragments of their victims. The whole party was painted in various colors, wore feathers, and carried their tomahawks, war-clubs, and scalping knives. Stopping in front of the principal houses in the village, they danced the war-dance and the scalp-dance with their characteristic yells. The mangled limbs were still fresh and bleeding; one old squaw carried on a pole the hand with a strip of skin from the arm of a murdered man, she keeping up the death-song, and joining in the scalp-dance. After this exhibition, which lasted two or three hours, the warriors went to a small mound, about two hundred yards from Mr. Rolette's residence, made a fire, roasted the heart of the old chief, and divided it into small pieces among the warriors who devoured it.

"This occurred in a town of six hundred inhabitants, under the walls of the United States garrison, within musket shot of the fort. Neither civil nor military authority made any effort to prevent it. In the afternoon the Sioux embarked in their canoes to return to their village."\*

\*Wis. Hist. Coll., ix. 324-6.

Not long afterwards a war party was formed in the Fox village to avenge the murder. Wailings and lamentations for the dead gave way to savage yells. With blackened faces, chanting the death-song, the party entered their canoes. Arriving at the bluffs opposite Prairie du Chien they discovered a Menomonee encampment spread out on the ground, nearly under the guns of Fort Crawford. The Foxes lay in ambush till midnight, when girded with tomahawk and scalping knife they swam the river and stole upon the foe. In the first lodge an old chief sat by a smouldering fire, smoking his pipe in sleepy silence. They dispatched him without making a disturbance, and pursued their bloody work from lodge to lodge until the whole encampment with the women and children met the same fate. Then with a yell of satisfaction and revenge they took to the canoes of their victims, bearing aloft the trophies of victory. Upon reaching their village, they held their orgies and danced the scalp-dance. But fearing a swift retaliation, they concluded to abandon their village, and seek a safer place among other bands of their tribe, and near the Sacs. They settled where the city of Davenport now stands. Eye-witnesses reported seeing them as they came down past Rock Island, their canoes lashed side by side, the heads and scalps of their enemies set upon poles. They landed with shouts of triumph, singing war-songs, displaying the scalps and ghastly faces of the slain. The new village was called Morgan, after their chief, a half-breed of Scotch and Fox blood.\*

Soon after the Foxes had deserted their village at Dubuque, adventurers from Galena, Illinois, went over there to explore the mines and make claims. Lucius H. Langworthy says:

We crossed the Mississippi (June, 1830,) swimming our horses by the side of a canoe. A large village was at the mouth of Catfish creek, solitary, deserted. About seventy buildings constructed with poles and bark remained. The council-house contained furnaces in which kettles had

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\*Annals of Iowa, 1863, pp. 35-6.

been placed to prepare feasts; but the fires had gone out. On the inner surface of the bark were paintings, done with considerable skill, representing the buffalo, elk, bear, and other animals, also wild sports on the prairie, and feats of warriors in bloody fray,—a rude record of national history. Could the place have been preserved, it would have been an interesting relic, but it was burned down by vandal hands in the summer.

While the adventurers were mining, and working some valuable lodes, Captain Zachary Taylor, U. S. A., came down from Fort Crawford and ordered them off, as the country belonged to the Indians. The miners demurred. They said: "The country is vacant and we will stay." The captain replied, "We will see about that." Returning to Prairie du Chien, he sent down a detachment of troops to remove the intruders, and they left. Whereupon some of the Foxes, finding that they would be protected by U. S. troops, returned to their village, and made a large profit from the mines which the men from Galena had opened.

Some years earlier, several bands of the Sacs and Foxes, pursuant to the treaty of 1804, had removed from the east side of the Mississippi to the west side. Keokuk, Wapello, and Poweshiek had planted villages upon or near the Iowa river. Tama had moved from Henderson creek, Illinois, to Flint creek, nearly opposite. But Black Hawk, though requested by U. S. agents, refused to leave. He said, "My reason teaches me that land cannot be sold. Nothing can be sold but such things as can be carried away." In 1829 and 1830 President Jackson ordered the removal of the Indians from the lands ceded in 1804. The United States had surveyed and sold most of those lands. Part of them were "bounty lands" to soldiers of the war of 1812. Purchasers claimed possession. Altercations and disputes arose between Black Hawk's band and the settlers. There were misunderstandings and depredations on both sides.

The Sacs and Foxes and the Sioux continuing at war with each other, a council of their chiefs was convened at Prairie du Chien, July, 1830, at which it was agreed to erect a barrier between them in order to keep them apart. The Sioux



ceded to the United States a tract twenty miles wide north of and adjoining the boundary line between them and the Sacs and Foxes fixed in 1825, and the Sacs and Foxes ceded to the United States a similar tract twenty miles wide south of that line. These were called "neutral grounds." Its southern boundary on the Mississippi was indicated by a "Painted Rock," marked with figures of wild animals and hieroglyphics, to serve as a notice to all parties.

At the same council, by the same treaty, the Sacs and Foxes, Ioways, Missouriias, Omahas, Otoes, and bands of Sioux, joined in ceding to the United States all their right and title to what is now western Iowa, that is, west of "the high lands between the waters falling into the Missouri and Des Moines rivers and of the dividing ridge between the forks of Grand river to the source of Boyer river, and thence in a direct line to the upper fork of the Des Moines." Thus the Indian title to western Iowa was extinguished, and these "high lands" and this "dividing ridge" were acknowledged as the western boundary of the lands of the Sacs and Foxes and Ioways.

In 1831, General Gaines, with U. S. troops, and Governor Reynolds, of Illinois, with a force of militia, came to Rock Island, and demanded of Black Hawk that he remove west of the Mississippi. Black Hawk was sullen and spiteful. The interpreter said to him, "Your father asks you to take a seat." "My father!" replied the petulant chief, repeating what Tecumseh said twenty years before to General Harrison, "The sun is my father; the earth is my mother; I will rest upon her bosom." At this crisis Keokuk made an effort to conciliate Black Hawk. He advised him to take a reasonable view of the situation, and persuaded him once more to "touch the goose-quill." Says the U. S. army officer, who drew up Black Hawk's engagement to remove:

There were in attendance about fifty chiefs and warriors. All being seated in due form, I read the treaty, sentence by sentence, interpreted by Antoine LeClaire. I called up Black Hawk to affix his sign manual to the

paper. He arose slowly and with dignity, while in the expression of his fine face there was a deep-seated grief and humiliation that no one could witness unmoved. When he reached the table, I handed him a pen, and pointed to the place where he was to affix his mark. He took the pen, made a large bold cross with force; then returning it politely, he resumed his seat. It was an imposing ceremony; scarcely a breath was drawn by any one. Thus ended the scene, one of the most impressive of the kind I ever looked upon.\*

General Gaines made a present to Black Hawk and his band of a large quantity of corn for their subsistence, and of five thousand dollars' worth of goods, and they immediately removed to the west side of the Mississippi, under promise not to return to the east side without permission from the Governor of Illinois or the President of the United States.

Black Hawk might well have been content on the west side of the Mississippi, and planted his villages and corn-fields in some of the rich valleys of Iowa, as other chiefs had done. The country his people still held was of vast extent. All the Sacs and Foxes with the Ioways numbered but a few thousand souls. They had the protection of the United States in the possession of about two hundred miles square of land as fair as any beneath the sun. Had Black Hawk staid upon these lands, he would not have been disturbed for the rest of his life. But insensible to these considerations, he nursed his grief and his vexation. Reckless of promises, confident of aid and support from other tribes, and even from his British father, he laid his plans to return to Rock river. Keokuk opposed them, and said to his people:

Braves! I am your chief, to rule you as a father at home, and lead you in war, if you are determined to go; but in this war there is only one course. The United States is a great power; and unless we conquer, we must perish. I will lead you on one condition only, that we put our old men and the women and children to death, and resolve when we cross the Mississippi never to return, but perish among the graves of our fathers.

The majority listened to Keokuk and heeded his warnings; but others, the young braves especially, were eager to go on the war-path, and rallied to Black Hawk. It was

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\*Letters from the Frontiers, by George A. McCall, p. 241.

while U. S. troops were on their way up the Mississippi to enforce a demand for the punishment of the Foxes who had murdered the Menomonees, that Black Hawk with several hundred warriors on horseback, and a retinue of followers, crossed the Mississippi at the Yellow Banks (Oquawka), on the 6th of April, 1832, to the terror of the settlers upon the Illinois frontier. His forces were recruited by some Winnebagoes and Pottawattamies. He raised the British flag. The whole number of Indian warriors was variously estimated at from six to eight hundred. The Black Hawk war was carried on in Illinois and in Wisconsin (then a part of Michigan territory), and belongs to the history of those states. Conspicuous for his valor and energetic services in defeating Black Hawk was Henry Dodge. His bravery and daring at the battles of Pecatonica, Wisconsin Heights, and Bad Axe, led his compatriots to name him "Captain of aggressive civilization. Hero of the Black Hawk war." By his influence over some Winnebago chiefs he secured the capture of Black Hawk, when in flight to Canada.\*

As some of the Winnebagoes and Pottawattamies abetted the war, those tribes shared in the disastrous consequences which fell to Black Hawk. The people on the frontier called for their removal. Black Hawk went to war in order to keep the white man out of the country; the result of the war was to bring the white man in. It hastened the settlement of northern Illinois and of Wisconsin. The founding of the states of Wisconsin and Iowa, and of the city of Chicago, would have been delayed indefinitely but for this war. Thirty-five years afterward, it was said at the annual meeting of the Historical Society of Wisconsin:

Those border wars may seem trivial, but when we consider Wisconsin as it then was, with roving bands of Indians the terror of the few whites, it will be seen that the settlement of the country depended upon the battle fields of the Black Hawk war; instead of being uninteresting spots, they are the birthplace of our State.

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\*A sketch of the services of Henry Dodge in the Black Hawk war is in the Iowa Historical Record, vi. 391-423.

The Winnebagoes were convened in a council of their chiefs and head men at Rock Island, September 15, 1832, when they ceded to the United States all their lands in Illinois and Wisconsin, and the United States in exchange ceded to them the "Neutral Ground," described above, and agreed to pay them annually for twenty-seven consecutive years the sum of ten thousand dollars, to establish a school for their children voluntarily sent to it, and to make other provisions for their benefit. The Winnebagoes engaged to deliver up certain individuals who were accused of murdering citizens of the United States in the late war, and to remove to the "Neutral Ground" on or before June 1, 1833.

The removal of the Pottawattamies was arranged later, under a treaty made at Chicago, September 26, 1833, by which five million acres in western Iowa were assigned them. The United States met the expense of their removal, of their subsistence for one year after their arrival at their new home, and provided for the payment of more than eight hundred thousand dollars, to be expended for the erection of mills, and for other useful objects, and in annuities to them.

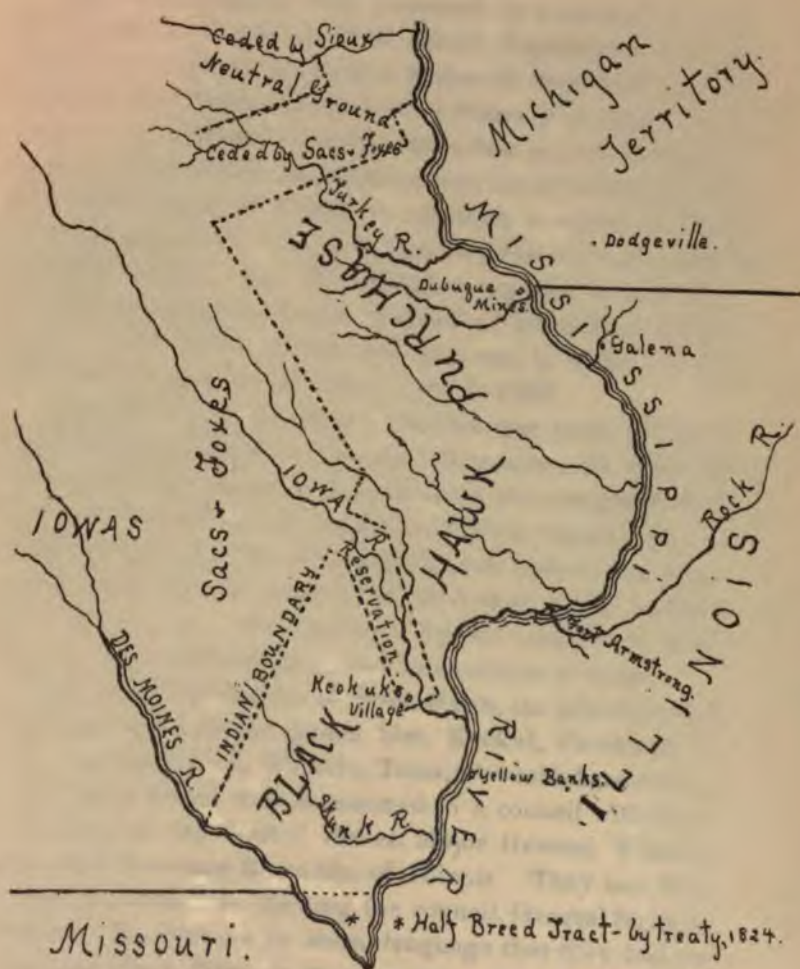
Soon after the capture of Black Hawk, the principal Sacs and Foxes who had not joined him, Keokuk, Pa-she-pa-ha, and seven other Sacs, Wapello, Tama, Poweshiek, and twenty-one other Foxes, were summoned to a council with Commissioners of the United States, Major General Winfield Scott, and Governor Reynolds, of Illinois. They met September 21, 1832. In opening the council, General Scott reproached the Indians in stern language that they had not restrained Black Hawk from going to war; and the Commissioners demanded as indemnity for the millions the war had cost the United States, and to secure the future safety of the invaded frontier, that they cede to the United States "a portion of their superfluous territory," bordering on that frontier. The Indians assented, and ceded to the United States a strip of territory lying along the Mississippi from the northern boundary of the State of Mis-



# THE BLACK HAWK PURCHASE

to treaty of 1804 and 1805

Charles A. Smith



# THE BLACK HAWK PURCHASE.

by treaty of Sept. 21<sup>st</sup> 1832.

Carrie B. Nairn.

souri to the "Neutral Ground," part of it extending fifty miles west, part of it forty miles. A reservation for the Indians in this cession was made of four hundred square miles, on both sides of the Iowa river, and embracing the villages of Keokuk and Wapello. In consideration of the extent of the cession, the United States agreed to pay annually to the Sacs and Foxes for thirty years the sum of twenty thousand dollars. It was further agreed that the United States should hold Black Hawk, his two sons, and eight other warriors as hostages for the future good conduct of the late hostile bands. They were then in confinement at Jefferson Barracks. Washington Irving was in St. Louis at the time, and went to see them. He wrote, September 16, 1832:

The redoubtable Black Hawk, who makes such a figure in our newspapers, is old, emaciated, and enfeebled. He has a small, well-formed head, an aquiline nose, a good expression of eye. His brother-in-law, the prophet, a strong, stout man, much younger, is considered the most culpable agent in fomenting the late disturbance; though I find it difficult, even when so near the scene of action, to get at the right story of these feuds.

After the treaty was concluded, General Scott invested Keokuk, the other chiefs consenting, with the rank and gold medal of head chief, and gave them all a grand dinner. When night came on, batteries of rockets and fire-balls from mortars emblazoned the sky, amid savage shouts of astonishment and delight. Keokuk joined in presenting a pantomime of Indians on the war-path, surprising and capturing an enemy. A war-dance followed; in the carouse young army officers made merry with the braves, dancing together. The ground on which the treaty was made was upon the west bank of the Mississippi, the site of the city of Davenport. At the close of the festive scenes the Indians dispersed cheerful and contented. The ceded lands were called for a time "Scott's Purchase," but later "The Black Hawk Purchase," from the war which bore his name. The Indians agreed to remove from them on or before June 1, 1833. The name of Scott is retained in that of the county which holds the ground where the treaty was made. The Indians

left the "Purchase," as they agreed, for their lands further west, except that those who occupied the "Reservation" remained upon it.

The United States troops who were protecting the Foxes at the Dubuque mines were sent against Black Hawk when the war broke out; at the same time the Foxes went and joined Black Hawk. In the desertion of their village, miners from the east side of the Mississippi again crossed over, and resumed operations at Dubuque, but were ordered off later by military authority; as were adventurers who made claims at Flint Hills (Burlington), Fort Madison and other points; the country belonging to the Indians until the day agreed upon for their removal.

Black Hawk and the other hostages were confined at Jefferson Barracks until April, 1833, when they were sent to Fortress Monroe. At Washington the President, Andrew Jackson, received them in a kind spirit. He told them that the time of their detention would depend upon the conduct of their people, and it was ascertained that their bad feelings were banished, and that they were to remain in Fortress Monroe until he gave them permission to return to their homes.

Black Hawk made his explanation as to the cause of the war, and said that his people were exposed to attacks by the Sioux and Menomonees, and he wanted to return to take care of them.

The President replied that he was apprised of the circumstances of the war, and it was unnecessary to look back to them. It was his purpose to secure the observance of peace, and prevent the frontiers from being again stained with blood. They need feel no uneasiness about the Sioux and Menomonees. He meant to compel the red men to be at peace with each other, as well as with their white neighbors. He had taken measures with this view, and when it was ascertained that they were effectual,—when the tribes learned that the power they attempted to contend with was equally



able and disposed to protect the peaceful, and to punish the guilty, and when assured that Black Hawk's people in particular were convinced of this, and were disposed to observe the terms of peace granted to them, then they would be restored to their families.

The President then gave his hands to the chiefs and dismissed them.

The next month Keokuk asked for the release of the prisoners, and pledged himself for their good behavior, and the Government arranged to send them home. Upon their homeward route they had another interview with the President, at Baltimore. He said to them:

My children, when I saw you in Washington, I told you that you had behaved very badly in raising the tomahawk, and in killing men, women, and children upon the frontier. Your conduct compelled me to send my warriors against you; your people were defeated, and your men surrendered, to be kept until I should be satisfied that you would not try to do any more injury. I told you I should inquire whether your people wished you should return, and whether if you did return, there would be any danger to the frontier. General Clark and General Atkinson have informed me that Keokuk, your principal chief, has asked me to send you back, and the rest of your people are anxious you should return. Your chiefs have pledged themselves for your good conduct, and I have given directions that you be taken to your own country. You will be taken through some of our towns. You will see the strength of the white people. You will see that our young men are as numerous as the leaves in the woods. What can you do against us? You may kill a few women and children, but such a force would soon be sent against you as would destroy your whole tribe. Let the red men hunt, and take care of their families; but I hope they will not again raise their hands against their white brethren. We do not wish to injure you. We desire your prosperity and improvement. But if you again plunge your knives into the breasts of our people, I shall send a force which will severely punish you. When you go back, listen to the counsels of Keokuk and the other friendly chiefs. Bury the tomahawk, and live in peace with the frontiers. And I pray the Great Spirit to give you a smooth path and a clear sky to return.

Black Hawk answered:

My Father: My ears are open to your words. I am glad to hear them. I am glad to go back to my people. I want to see my family. I did not behave well last summer. I ought not to have taken up the tomahawk. My people have suffered a great deal. When I get back I will remember your words. I will not go to war again. I will live in peace. I shall hold you by the hand.

The party were taken under the conduct of Major Garland, of the U. S. army, through the cities of New York, Buffalo, Cleveland, and Detroit, by way of Green Bay and the Wisconsin river, to Rock Island, where a large company of chiefs and braves assembled to welcome them. Keokuk said:

The Great Spirit has been kind to them. He had listened to their prayers. They ought to be thankful. They had petitioned their great father to return Black Hawk and the other prisoners, and he has now sent them home to enjoy their liberty. The Great Spirit has changed the heart of the old chief; has given him a good one. Let the past be buried deep in the earth. Whilst his heart was wrong, he had done many bad things, but now after having traveled through many of the big towns he could see the folly of his past course, and would know how to govern himself in future.

Keokuk then advanced with dignity, his arms folded, to Black Hawk, shook hands with him, and sat down. The other chiefs followed, each taking Black Hawk by the hand, not saying a word till Keokuk broke the silence; then all joined in congratulations. No censure was cast upon the old chief. It was humiliation enough that he was now without honor and power, and indebted for obtaining his liberty to Keokuk, whom he had called a coward for not going to war. Major Garland expressed his pleasure at finding so much good feeling for Black Hawk, and his confidence that all would now live in peace. He reminded Black Hawk that Keokuk was at the head of the nation, that his counsels should be heeded, and that by the terms of the late treaty no band was to exist "under any chief of the late hostile bands." Hereupon Black Hawk rose in violent agitation. He said: "I am an old man. I will not obey the counsels of any one. No one shall govern me." Keokuk at once turned to Black Hawk to allay his indignation, and asked that what he had said might not be remembered, that Black Hawk was too old to say anything good, and that he (Keokuk) was answerable for his good behavior. Black Hawk then recalled his words, and asked to have a black line drawn

over them. Finally the pipe of peace was passed for all to take a whiff, and in return Major Garland served a glass of champagne. The ceremonies closed with a dance, in which Black Hawk's party did not join, but they retired sullen and dejected.

In the spring following (1834), the Stockbridge Indians, living near Green Bay, descendants of those in Massachusetts to whom Jonathan Edwards was a missionary (1751-7), were moved to send a deputation of their number to the Sacs and Foxes, to persuade them to give up their savage life, have schools, and adopt the ways of civilization. The Rev. Cutting Marsh, a missionary of the American Board of Commissioners for Foreign Missions, accompanied the deputation. He reported as follows:

Keokuk's, the principal village of the Sacs, is situated on the eastern bank of the Iowa river, about twelve miles from its mouth. It contains between forty and fifty lodges, some are forty or fifty feet in length, constructed of bark. The village is at the northern extremity of a delightful prairie extending south and west. There were probably four hundred souls in it.

Upon entering the village, which is formed without any order, my attention was attracted by Black Hawk's lodge. This was enclosed by a neat fence of poles, embracing four or five rods in a circular form. A little gate led into it; around the inside melon vines had been planted. The lodge was constructed of peeled bark. It was perfectly tight, except a hole at the top for the smoke to pass out. At the sides, places were built all around, about three feet from the ground, and mats spread over on which they sat and slept. It was furnished with some dining chairs, which I saw at no other lodge in the nation. I was received politely by the children of Black Hawk, himself and wife being absent. I never before witnessed such a specimen of neatness and good order in any Indian lodge. Although Black Hawk is not permitted to hold any office, it is questionable whether he is not as much respected as the haughty Keokuk who now holds the reins of government.

Winding my way to Keokuk's lodge, which was about fifty feet long, I found him sitting with prince-like dignity in one corner, surrounded by his young men, and wives not less than five. He appeared distant and not disposed to converse, but treated me with politeness and hospitality, and ordered his young men to put out the horses, and supper to be prepared. I found him unwilling to listen to any suggestions respecting the object of my visit, as was the other chief, Pash-e-pa-ha, the Stabber. There was the same unwillingness to hear anything respecting religion, and all made light of it when mentioned in the presence of the latter chief.

Wapello's village is about ten miles above Keokuk's, is considered to contain thirty lodges. He is a notorious drunkard, and his band follows the example of their chief. At this village I learned that a man murdered his wife a few days before, and then cut off her nose and ears. The Indians are jealous of their wives, and if at such times an Indian cuts off the nose or ears of his wife, no notice is taken of it.

Powesheik's village is upon the Red Cedar, a branch of the Iowa, about ten miles from its mouth. Powesheik is second chief among the Foxes. The village contains about forty lodges and four hundred souls, as Powesheik informed me. He sent one of his young men to inform me I could stay at his lodge, and assigned me a place in it. He is about forty years of age, savage in appearance, and very much debased, as well as all his band. Still he was more willing to converse than either of the chiefs before mentioned. I inquired about the instruction of his young men. He replied that he would like to have two or three educated for interpreters, but he did not want schools, for he wished to have his young men warriors. I inquired if he should not like his young men to make farms. He answered they could work with a hoe, and did not want a plough; they chose rather to hunt for a living than cultivate the ground. He said, "The Great Spirit made us to fight and kill one another when we are a mind to." I showed some young men specimens of Ojibwa writing, and asked if they would not like to have some one come and teach them. They answered, "We do not want to learn; we want to kill Sioux."

Appanoose's village, called Au-tum-way-e-nauk (Perseverance Town), is situated upon the south side of the Des Moines, about one hundred and twenty-five miles from its mouth. This is the most eligible place I met with amongst the Sacs and Foxes for a missionary establishment. It is at a greater distance from the white settlements. The Des Moines, which the Indians call Ke-o-shaw-quah, is a rapid and beautiful river, remarkable for uniformity in width, being generally about forty rods wide. In its banks and bluffs coal is found in abundance. The fine, rolling prairies, covered with a luxuriant growth of grass and flowers of every hue, present a powerful inducement to search for treasures hid in their bosom. This whole region seems to have been formed by nature for agriculture, and I have little doubt will be covered with flocks and herds before another generation shall pass away. But what will become of the Indians?

Besides the villages enumerated there are a number of others consisting of three or four or half a dozen lodges, some of which I visited.

The Sacs and Foxes are strongly attached to their superstitions; I have seen no Indians so much so, and they guard with jealous care against any change. Their great object is war and hunting, so as to rank among the braves, wear the polecat's tail upon the calves of the legs, and the shau-no-e-hun (small bells), and strike the post in the war-dance, and tell the number they have killed in battle. To this there are some exceptions. One of the most striking is Appanoose. He is young and aspiring, and possesses more independence of mind than any of the rest of the chiefs. He expressed a desire to have something done for the improvement of his people. This

was a great desideratum with his father, Tama, who was a much respected chief. He is anxious himself to receive instruction. He is one of the most kind and gentlemanly Indians I ever met. But he is a drunkard, and my not succeeding to gain his consent to have a school established at his village I attribute to a drunken frolic at the time appointed to bring the matter before him. After he became sober he seemed far less inclined to do anything on the subject than before.

Keokuk in years past manifested a desire to have one of his sons educated, but his mind has been changed. He is altogether under the influence of the traders of the American Fur Company, who are exceedingly hostile to missionary operations. At a council, Colonel William Davenport, commanding officer at Fort Armstrong, strongly urged upon the chiefs to have missionaries. They replied, "We do not want missionaries."

The Sacs and Foxes are in perpetual warfare with the Sioux. Their hunting ground joins on the northwest, and there are mutual complaints of encroachment, which is one great cause of hostility. The Sacs and Foxes are more warlike, and more than a match when equal numbers meet in battle, but the Sioux are the most numerous by far, so that they live in constant fear of each other.\*

Previous to the Black Hawk war a few white persons had located themselves on the tract "intended for the use of the half-breeds belonging to the Sac and Fox nations." Among those persons was Samuel C. Muir, an army surgeon, who had lived with a squaw, and who, when such an alliance was forbidden by the Government and required to be terminated, chose to retain it, and left the Government service. He was a native of Scotland, educated at Edinburg, and said, "God forbid that a son of Caledonia should desert his child, or disown his clan." He built the first house at Puck-a-she-tuk (foot of the rapids), where the city of Keokuk stands. The American Fur Company had a trading post here, and built a row of log houses ("rat row") for their business, Russell Farnham, manager. At the head of the rapids (Ah-wi-pe-tuk), a small settlement of white people built a log house in which Berryman Jennings taught a school in the winter of 1830-31, the first in Iowa.

Some of the half-breeds were traders, interpreters, and employes of the American Fur Company. Among such was Maurice Blondeau, who had a trading house at Flint Hills,

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\*Wis. Hist. Coll., xv, 104.

and died and was buried there in 1829; his name is preserved in that of one of the streets in Keokuk. But most of the half-breeds retained the habits of Indian life. In June, 1834, Congress relinquished the reversionary right of the United States in the tract to those who were entitled to the same under the laws of the State of Missouri, with power to sell their several portions. Questions then arose as to who and how many were the half-breeds, and as to the extent of the tract. Many of the half-breeds had scattered and vanished. There were fraudulent claimants. The questions became entangled and confused. They led to bitter disputes for years, and were not settled without many law suits and long litigation in the courts.

On the first day of June, 1833, the U. S. troops, who up to that time had guarded the Purchase against the incursion of the white people, were withdrawn, and the pioneers of the frontier entered in to make claims and settlements. A transformation of the wilderness commenced. There were some instances of strife and contention among the adventurers for town-sites, mill-sites, belts of timber, and the best lands, but good feeling generally prevailed, and rules and regulations as to claims were agreed upon in the interest of fair dealing and mutual protection. In the absence of established government, people took law and justice into their own hands, and dealt summarily with crime. An instance occurred at Dubuque in the trial and execution of Patrick O'Conner for the murder of George O'Keaf. Appeals were made in vain to the governor of Missouri, and to the judge of the western district of Michigan Territory; they disclaimed jurisdiction. A citizen's court conducted the trial with deliberation and solemnity. A jury was empanelled. All judicial forms were observed. The murder was committed on the 19th of May, 1834, and the execution took place on the 20th of the following month.

After having been without an established government for a year and one month, Congress interposed and attached the



territory north of the State of Missouri and between the Mississippi and the Missouri rivers to the Territory of Michigan for temporary government, and gave the inhabitants the same privileges and immunities, and subjected them to the same laws as other citizens of Michigan Territory.

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CHANGE IN THE NAME OF OUR TOWN.—We are gratified to be able this week to say to our readers that the name of this town (Bloomington) is changed. Henceforth it is to be called Muscatine. We are aware that it will take some time to familiarize every one with the new name—but we think one year will suffice to obliterate the name of Bloomington as associated with our town from the mind of almost every one. The truth is, the town should never have been called by the name of Bloomington. There is a Bloomington in seven or eight of the states, we are confident, and in how many more we know not. Our citizens have been continually perplexed and disappointed at not receiving their letters and papers from abroad at the time they ought to reach here by due course of mail, and many important letters and documents have been given up for lost—when, lo! they would arrive here—marked “Missent and forwarded.” Sometimes they would be forwarded from Bloomington, Indiana; sometimes from a town of the same name in Illinois—from the Bloomfields, the Burlingtons, the Bloomingdales, Bloomingtons, and every other town in the United States that was in “Bloom.” This great source of difficulty is now, we trust, removed. Muscatine is an Indian name—there is nothing else like it that we know of in any other state. It is euphonious, easily remembered, easily spelt, and very appropriate. It is the name of our county, and we predict that Muscatine, Iowa, will yet make a figure in the world.—*Muscatine Journal*, June 9, 1849.

## AN IOWA SETTLER'S HOMESTEAD.

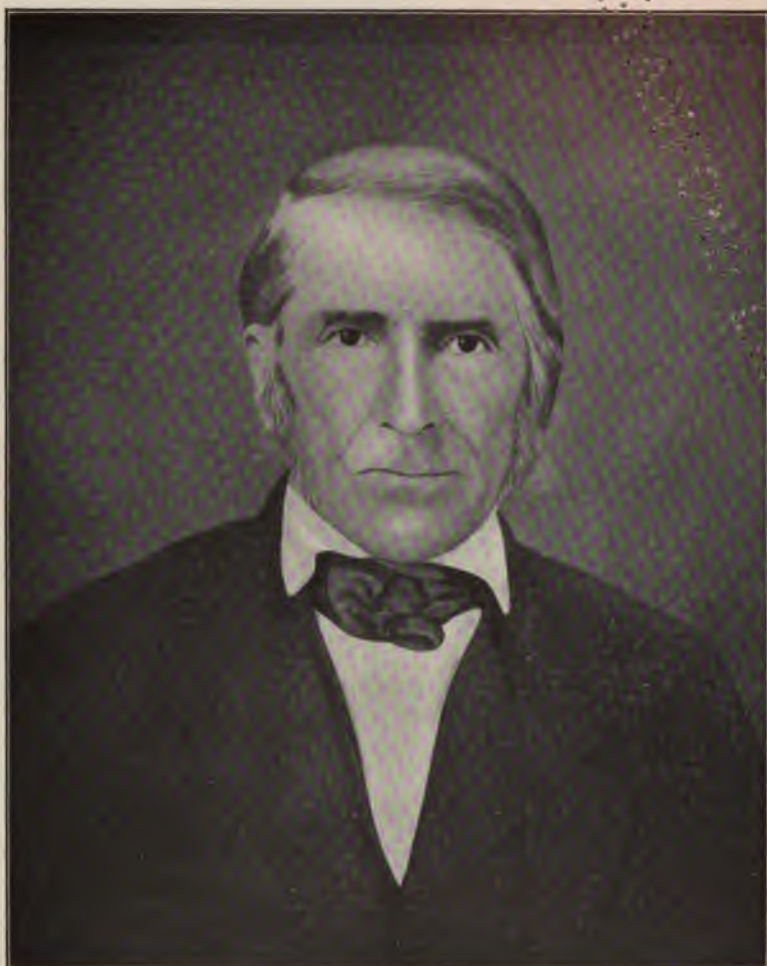
BY GEORGE C. DUFFIELD.

James Duffield, his wife, Margaret, and their children, Maria, John, George Crawford (the writer), James, William, Joseph, Joshua Harrison, and Elizabeth, composed the first family circle within the present limits of the State of Iowa, west of the great bend of the Des Moines river, save one, that of Samuel Clayton, who arrived in November, 1836. We moved into our cabin, two miles west of Clayton's, in April, 1837, where soon after this circle was enlarged by the birth of Henry D.

Accustomed to some of the luxuries of the east, the settlers sought conveniences here, making their claims "'cordin' to wood 'n water." My father placed his cabin in the border of an opening in the timber, near a spring, which fed a rivulet entering Chequest creek two miles above its mouth.

The scenes and experiences of that cabin life commencing in my fourteenth year are sweet and vivid memories. My senses were constantly thrilled. The mornings passed something like this—supposing it to be the summer of 1838: "Clink, clink, clink," my sleepy eyes would open on father bent down to the hearth, striking flint on steel. Then came a pause as he blew and blew the tiny spark into a spreading ember. Quiet for a time and a nap for me. "Maria, Maria," came the call from mother's bed, "the kettle is boiling." And then Maria's "William! George! Jimmie! Clear out!" This meant that we were to get off the floor with our made-down bed so that the table could be set. Out we bounced, or, lingering in the way we were tumbled *sans culotte* upon the puncheon floor, and a second offense was a swiftly switched breach of discipline. The floor being cleared the dry goods box table was set where we had slept. The baking corn bread, the frying pork or venison, and the coffee (for father and mother only) boiling on the fire, filled





*James Duffield*

JAMES DUFFIELD,  
A pioneer settler near Keosauqua, Van Buren county, Iowa.

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the room with appetizing odors. Meantime John had hunted the hills and hollows, had driven up, yoked and tied "Dick" and "Buck" near the door. Father had fed "Old Jule" and cut and split wood for the day. William came from the spring with a pail of water. Those of us who were large enough had gone along, and in the stream below had washed our faces, drying them in the air on our way back. Lucky were we if mother did not send us back for a more thorough effort. From William's pail father took a cup of the cold fresh water, and, hanging his hat on the cabin corner, made his toilet in this way: Placing the cup between his knees and spreading his heels apart he splashed into his clasped hands the exact amount of water needed. The filled hands were rubbed, the proper lurch added a good bath for the face, and the last splash into the hands was carried to the hair and thoroughly rubbed in. A homespun towel did for his face what the breezes did for ours. The comb was tightly seized in the right hand, the left being extended tightly upon the hair above the left ear. It was raked across the forehead, and back until the last stroke brought the back part of the hair under the ear. The comb then changed hands, the right hand marking the place the left had fixed; when done, the part, if it could be called such, extended from the forehead to the nape of the neck with both ears completely hidden. The last stroke was to throw a roach over the front of the forehead, more, perhaps, to put the hair away from the eyes than to decorate the head. Such, with lustrous and luxuriant black hair, was the appearance of one settler's toilet. And such was the appearance of all the boys in the family. (Mother was our barber and she got around to the task of cutting our hair once or twice a year. The head being combed, she started the shears in below the left ear, clipped around and came out under the right. If the edges were even it was a good job.) Well, the toilet made, father, mother and the eldest boys sat down to breakfast. The girls and smaller children awaiting the sec-

ond, if, indeed, not the third table. We were now turned outdoors.

Mornings in the spring were a delight. On every side the sight and scent met blooming crab, service berry, choke cherry, and the various thorns and luxuriant annuals. The woods were a chorus; perhaps more nearly an orchestra. For the music of the new and brilliantly plumed songsters was joined in lustily by the drumming pheasant, the tapping woodpecker, the whistling quail and gobbling turkey. For two or three summers we boys were each morning to be found on the outskirts of an Indian camp, commingling with the dogs and children and eager to indulge our opportunities. Mother was to the Indians "a good squaw," and father's worst criticism on her economy was that she shared with them her scanty stores. A day's history can be made from the experiences we had. Leaving our cabin with certain strings made for us by mother, a part of what had been a hunting knife, and no more clothing than necessary to support the pockets, we went to the camp. Our play-fellows went with us to the creek where the choicest swimming holes were ours. To our strings they joined hooks for which they had bartered with a trader. One of the Indian boys and I went to get the bait; he did not set me to turning rocks and logs or tearing the tough sod for angle-worms. He led me up the creek, then into a cleft in the rocky bluff where it looked and felt as if the sun had never shone. Creeping between the mossy banks he ran his hands under the roots of the great ferns and among the leaves and began handing me the bait for which he sought—the fresh, tender, slimy snails, whose shells in countless thousands the wooden mold-board turned up on the claims of the timber settlers in that early day. Filling our pockets and hands we returned to the others, who with our broken knife had prepared our poles. With the rudest tackle and the Indian's bait it was not difficult to take a nice string of fine bass, perch and pick-erel, by the middle of the afternoon. We returned with the

Indians to their camp. As usual the squaws asked us to eat. Hanging near one of the teepees was the carcass of a large bear, the skin still on, and none of the meat seemed to have been taken out. The odor from the kettles and from the fragments which dropped into the fire started the saliva in our mouths, and caused us to accept the invitation with unanimous voice. Of course the visiting "skin-a-ways" were favored guests, and my Indian companion brought to me a fresh clean piece of bark on which lay a steaming piece of that big bear. My hands almost trembled in hungry and appreciative expectancy. Then I saw that I was offered a whole unskinned, unscraped foot of the bear. I put it from me; but my companion threw away the bark, took the hot paw in his dirty hands, pulled off the nails and hair with his teeth and spit them out, then ate that foot. I had not noticed the cooking process till now. One of the kindest and most active of the squaws sat in the door of her teepee rapidly drawing into the kettle at her left the entrails of the bear, as with her right hand she stripped out their contents.

These first few years of our residence were the last years of the Sacs and Foxes in this locality. Both Keokuk and Black Hawk were with the tribe. Keokuk was the chief, and his coming and going was remarked by both the Indians and the settlers. He was of fine appearance, dignified and austere. Black Hawk, on the contrary, was not very highly regarded by the tribe, and not much noticed by the settlers until his death in 1838 a few miles above here, when a great deal was said about his life and achievements by both whites and Indians. Both Keokuk and Black Hawk were often at our cabin, and I remember their appearance well. The latter was sadly dilapidated in appearance, wearing ill-kept garments of the whites' style and manufacture, while he was nearly always in a state of at least semi-intoxication. I have heard this fact disputed in late years, but I can positively assert its truth. We thought little of their doings at the time, but now it seems strange that they should have been

wholly interested in the compensation the government was making them, and not have regretted leaving the rich sugar tree groves in which they had so long lived along the Chequest, or the graves they had made along the hills and river banks above its mouth.

The duties of a settler on his claim and of his wife about the cabin were simple though severe. The responsibility was all theirs, but they had the finest knack of distributing it. Father directed the outdoor force, planning every task, yet relying for its certain and correct execution on the boys under the management of John, aged twenty. How father urged and excited even the youngsters to heap the brush and logs all day long for the sole apparent purpose of the delight of the big fire at night! I did not learn for twenty years that he was getting overtime out of me. His management through John admitted of his necessarily long and tedious trips into Illinois and Missouri to mill and market. On these trips he usually took one of his children, to that extent relieving mother's cares. On her part, mother used the same ingenuity, having Maria, aged twenty-two, upon whom to rely. Every child able to carry wood or run errands was Maria's assistant. Mother bore and cared for the babies, saw that the floor was white and clean, that the beds were made and cared for, the garden tended, the turkeys dressed, the deer flesh cured and the fat prepared for candles or culinary use, that the wild fruits were garnered and preserved or dried, that the spinning and knitting was done and the clothing made. She did her part in all these tasks, made nearly all the clothing and did the thousand things for us a mother only finds to do. But as assistants in the training of the children, the performance of hard labor and the bearing of the burdens of the settlers' lives, the Johns and Marias of pioneer life have never received their full credit. Devoutness is characteristic of women, and "the peace that passeth understanding" abode in our mother. Father, less filled with grace, enforced the rules of righteousness in the family, and





*Margaret Duffield*

MARGARET DUFFIELD,  
A pioneer settler near Keosauqua, Van Buren county, Iowa, wife of James Duffield.





to others outside, with stern exactness. It was he who made it compulsory that we keep every promise, attend any religious service within walking distance and observe the Sabbath. And my father's cabin was ruled as every other settler's. The habits of the settlers were strangely alike. Exceptions there were where a cabin was occupied by a settler preparing for and awaiting the arrival of his family from the east, or where a lone bachelor occupied his claim. I never knew a settler's cabin presided over by a childless woman.

Father had been a tavern keeper and in a small way dealt in live stock in Steubenville, Ohio, prior to coming into Fulton county, Illinois, where he lived three years. The family left in Illinois a good stock of kitchen and table necessities, and frequent trips there supplied our cabin with a better equipment than was usual among the settlers. The idea in moving into Iowa, and across the river, was that the open country would furnish free pasture for much stock, and our force was sufficient to break enough ground on our claim, and otherwise to care for it. Driving the stock to eastern markets would be done by our own force and without expense. There was a full intention of acquiring title to a quarter section when we came, but that the open country would ever be taken up, or that land values would ever advance to a point equaling other profits to be derived from the open lands, did not enter father's mind. Especial effort was made to acquire hogs and cattle. These were driven out into the woods and even to Indian prairie, six miles west, to be taken up in the fall and made ready for market. Had advancing land values been in the settlers' minds, this prairie would surely have been taken up. As it was, the first claim hunters, and in fact all who came in '37, '38 and '39 and stopped at our cabin, returned from the prairie saying that it would never be settled as it was so far out, and without wood or water. Our own family acquired several claims, and not one left the wooded, hilly country.

Before the first land sales in November, 1838, the coun-

try was thronged with these claim hunters. During the summer seasons there was not a week that our cabin did not house from one to five or six at a time, and each stayed from one to several days, going out over the unclaimed country. Some of these visitors were like ourselves, bona fide seekers after cheap homes. Another class did not wear the plain clothes nor rough manners of the settlers, but a smooth manner, a ruffled shirt during the week, and a bit of jewelry, marking them as speculators. To these I never knew father or mother to offer an impatient or discourteous word, but I knew them to withhold information which they cheerfully volunteered to others. These speculators did not hesitate to acquaint the settlers with the fact that the United States owned the lands, and whoever purchased them would have right to possession. This aroused much uneasiness and disturbed the peace and quiet of the settlers. The children, though grown up, witnessed the contention, even if they did not share the apprehension. Their work and love for the claim and cabin was precious to them. In the summer of 1838 a plan was set afloat by settlers whereby it was understood that those occupying lands should not bid against one another at the sales, nor suffer bidding by unknown persons. I have tried to discover written evidence of these understandings, but fear none has been preserved. Aaron W. Harlan, who entered a part of Section 31 of what was afterward Van Buren township, in which the town of Keosauqua is situated, and who is yet living, says:

The first meeting of the settlers for the purpose was at the house of Uriah Biggs on his claim near Pittsburg (N. E.  $\frac{1}{4}$ , Sec. 14); Lemuel G. Jackson, whose claim was in Section 1, was president, and Biggs, secretary. For that township there was a court of three persons appointed to settle any differences among the settlers, and James Knox was appointed bidder for the township. Among other things done there was a resolution offered by me, which Biggs amended so as to read:

*"Resolved, That our government is by the people, of the people, and for the people, and that we are the people."*

There were two or three contested claims, but our court settled them, and when the first sales for the township occurred in November, 1838, at

Burlington, we had more fear than difficulty. Our proceedings were the first in the State of this character, and many from other localities came and examined them. The people of West Point township, Lee county, adopted them without change. They were copied in many other places, and I think the system was followed generally throughout the territory prior to the sales.

When the time came for the sales there was some dread that the plan would fail. Though the differences among the settlers seemed gone, those with the speculators were ahead. When father left home to go to Burlington about the first of November, 1838, mother and the whole family were worried. I shall not forget his start. He went on horseback in company with other settlers, and there was no apparent reason for fear, yet all did fear. To feed his horse he took a bag of shelled oats—there were no threshed oats in those days. In the oats he put two hundred dollars borrowed from Thomas Devin at fifty per cent interest. I do not think my father put anything else in the bag, though of this I can not be sure, for it is recorded in history that the settlers at that first sale had weapons available. It will be remembered that when the settlements were begun, the territory east of the Black Hawk Purchase had been laid off in congressional townships—in 1836, 1837, and 1838, by William Burt, inventor of the solar compass. The west line of the purchase ran from a point on the Missouri line in a northeasterly direction, just touching the northwest corner of Jackson township, Van Buren county, and intersecting the line of Cedar county where the Cedar river enters. The settler who blazed or staked his claim, or built a cabin or claim pen, knew that when the country should be sectionized the claim and even cabin might be cut in pieces; but that some speculator, without the feeling of love for home, or of anything but gain, might step in and dispossess him, was a thing he could not comprehend. So, when the sales began, and General Ver Planck Van Antwerp and John C. Breckenridge, then a strippling, but afterward vice president of the United States, stepped out and read the act of congress and proclamation authoriz-

ing the sale, and especially when that portion was announced where a penalty was attached to any act preventing open, free and honest competition in the auction of the lands, a silent smile on the settlers' faces spoke their contempt.

A settler's feelings may be imagined by father's account of his own experience. Parcels were put up on which no settler lived, and bidding was free and open. Next a settler's claim would be put up and the dollar and a quarter bid, and any effort on the part of the crier was met with silence from the crowd. At last township 69, range 10, was reached. The surveys had shown our claim to be the northwest quarter of this section, the lines singularly falling within a few rods of father's original blazes. The quarter was offered. Knox, the bidder, shouted "one twenty-five." Father said he felt sure some one else would bid and that the suspense of waiting would overcome him. At last, "sold! to—James Duffield," said Knox. Father felt like hastening at once to pay for the land and starting home, but the settlers' interests were a common interest, and honor bound him to await the end. The trip home was a short one to him. The welcome he received when we saw him coming down the trail with success showing in his dark countenance was the best I ever helped to give him. The children even felt the joy of possession supported by title. Our claim and cabin were now indeed our own.

I tried to describe a morning at the cabin. I wish I could describe an evening. Age makes one think of evening. There, all about the unfenced dooryard, lay huge dry logs, dragged there for the winter fires, unused when the summer came. On these we children played. Within the wide doorway, through which, in winter, these great logs were dragged by "Old Jule," to be rolled as back-sticks on the fire, sat father and mother. The sun's red streaks shot up from "the deadening" beyond the field. The planning for to-morrow done, mother calls the little ones, and with her they disappear within. No lights in summer time. The

girls soon follow mother, and the poor, tired old John. "Buck" and "Dick" rub their yoke-chafed necks against the trees and stroll away into the woods, browsing as they go. "Old Whitey," the cow, kneels, then drops on her puffed-out side, driving her breath from her nostrils with a snort that tells of pain from fullness. The orchestra of the morning has changed its tune and plays an air of the summer night. The insects grate their accompaniment to the colloquy of owl and whippoorwill. Father rises, drags his chair from the doorway to its accustomed corner, steps out and straightens up his figure. Looking to the west and north, he gives his opinion that to-morrow will bring fine weather. Announcing that all should be in bed, he retires into the cabin. Jim lays his sleepy head upon his log. Nothing breaks the stillness but the sounds which memory still brings me when alone. Away off the whimpering howl of the timber wolf. In different directions the answering bark of neighbors' dogs. "Old Ketch" slips to the foot of the hill and bawls out his sentiments and sneaking back curls up below my feet. My eyes grow heavy. The chilly air creeps up from the creek. I slip down, shake Jim, and, speechless, we stagger in. Our thumbs are lifting our "galluses" as we cross the doorsill. Our breeches clog our ankles as we drag across the floor, and slip off as we crawl over the foot of our made-down bed. Sleep? Like logs!

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IN 1840 a law passed the city council levying a tax of one dollar on each dog, or making it the duty of the marshal to destroy each dog not so paid for. One dog was paid for that year and the rest went free. This year again we know of but one who has paid a dog tax, and hear of but two dogs being destroyed. What a glorious thing it is to have a corporation.—*Davenport, Iowa, Sun, August 6, 1842.*

## ORIGINAL SURVEY OF THE C., B. & Q. R. R. LINE.

BY THE LATE HON. ALFRED HEBARD.\*

I will attempt to recall from memory a few incidents connected with the projection and first survey of the Burlington & Missouri River railroad in Iowa, (now the C., B. & Q. line) in which we of Montgomery county are most interested.

At an early day the success in various railroad enterprises and the speed and power of the gradually improved iron horse, awakened an interest that spread and grew until certain periods of the last half century might well be characterized as "railroad crazy." Everybody wanted a railroad that they might keep up with the rest of the world, and everybody that could, wanted to build and own a road for the supposed power and profit there was in it. Especially in our western country where an eager anxiety gave subsidies and grants of land worth in some instances more than the necessary cost of the construction. The parties who controlled the Michigan Central road and afterward built the C., B. & Q. from Chicago to the Mississippi river—touching it at Burlington and Quincy—encouraged by their success thus far, determined upon an extension of their line across the State of Iowa, and perhaps further, as inducements might offer. The facilities offered by the level prairies of Illinois led them to anticipate a similar experience in Iowa, because it was an open prairie country. The purpose

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\*Mr. Hebard was one of the best beloved and most distinguished of the pioneers of Iowa. He was born in Windham, Conn., May 10, 1811. He died at Block Island, R. I., September 21, 1896. He graduated at Yale College in 1832. "His favorite studies were in civil engineering," wrote the Rev. Dr. William Salter, in a sketch of Mr. Hebard's long and useful life which appeared in this series of THE ANNALS, vol. III, pp. 47-52. He was also eulogized in addresses delivered at a memorial service held in Red Oak, September 27, 1896, by Rev. E. C. Moulton, Hon. W. W. Merritt and Judge H. E. Deemer. Mr. Hebard had written some articles for THE ANNALS and intended to write others when he was overtaken by his last illness. His article which we print to-day was written for the purpose of being read at an old settlers' reunion.

was to build a first class road and allow no grade exceeding a limit of 40 feet to the mile. There was a warrant for such a purpose in an assumed certainty of an immense amount of business when these fertile lands were in cultivation, for, strange as it might seem to some, there is not an acre of land from one great river to the other incapable of being made a garden of profit.

The first step to be taken was to acquire a definite knowledge of the country through which their proposed extended line was to run. With that intent an engineering party was organized under my charge, fully equipped for any service that might be required, with no special instructions other than to explore and hunt out the most feasible route for the proposed line, from the Des Moines river at Ottumwa to the Missouri river, Council Bluffs being the objective point. In going out across the State we did not plant an instrument or stretch a chain, using our eyes for a careful reconnoissance and keeping notes of all we saw. The eye is the best surveying instrument ever made, especially on preliminary work. Mathematical instruments are of course necessary for the final adjustment of a determined line, where all the parts should sustain to each other the exact relation of tangent and curve, but much time is often spent and expense incurred in railroad surveys, by measuring obstacles that are apparent at a glance.

After a somewhat tedious trip by the Mormon and other trails, to find crossings of streams, we reached the Bluffs. Summing up our observations and notes we found we had a difficult task on our hands. The first day out from Ottumwa took us into gorges and chasms along Soap Creek that would require something like the pyramids of Egypt for bridging. We abandoned that route as fast as we could leave it, satisfied, however, that to the north we should find a drainage favorable to our line. It proved so on our return. We followed the trail of the Mormons to Mt. Pisgah, in Union county, a station on their line of travel in their

exodus from Nauvoo. From this point onward the rough country on the head branches of Grand River, the Nodaways, and other streams that had their sources in this region, forbid anything like a feasible line through to the Bluffs, and to this circumstance we are indebted for a more southerly location, where we have it to-day. The Rock Island railroad passes to the north, our road to the south, some 40 miles apart at Villisca. It was necessary for us to pass this drainage at a point lower down, after the head branches had united, forming a larger stream with one valley to be crossed instead of a dozen; besides, well defined streams 10 to 15 miles apart would have ravines or small secondary drainage favorable to our east and west line.

Iowa is a great uneven plain, without mountain, elevation or hill even, except relatively to adjacent valleys; highest in the north and northwest, with a southerly dip or decline sufficient to give direction to her drainage, and a somewhat rapid current to her streams, especially in time of floods. The action of these waters during a long period of years, on a loose and porous soil, has eroded valleys broad and deep, separated from each other by stretches of land that rise between them to the level of the general plane of the State. Between the water plane of the Missouri and West Bottany the elevation at some points is about three hundred feet, from East Bottany to Nodaway somewhat less, but still very high. The necessity of crossing these broad valleys and the intervening high divides put an end to our fancied idea of a grade limited to 40 feet to the mile. Unfortunately too, for the business capacity of a road is largely governed by its rate and amount of grades. The valleys were so broad that they could not be crossed by an elevated track and our only way to relieve grades was to hunt out the lowest points in the divides and run our line of levels through them, availing ourselves of every kind of ravine or lateral drainage to reach and leave these summits. Before leaving the Bluffs to make our survey I spent two entire



nights in the general land office, copying in rough manner the maps showing the streams as laid down by the surveyor on a strip three townships wide north and south through to the Des Moines in the second tier of counties. Within this limit I intended to succeed or fail in finding a practical line for the proposed railroad.

It is not worth while to go into every detail of our daily progress. It was simply crossing valleys—ascending and descending divides most of the way back to Ottumwa—carefully measuring and leveling the entire line, so that the company might have reliable data for future consideration. I did not have any great confidence in our line at the time. I knew I had left some hard points for subsequent solution, but, as whole seasons were spent in surveys afterward, and the road finally was located and built on the route indicated in this first survey, I am led to believe that the effort was not entirely a useless one. I wish to add that the line of our first survey did not pass through Villisca, but crossed the Nodaway some five or six miles to the north, the only change that I know of. Our whole work was a very quick and hurried affair but I know that I put in some five weeks of the hardest work I ever did. I will not name my compensation further than to say it would correspond very well with the price of oats\* at the present time. I have no dates but all this was more than 40 years ago. Population was more than scarce—one squatter in Adams county and one man by the name of Starr engaged in commerce in Union county. He had a cabin near where Afton now is—a kind of half-way station on the “Mormon trail”. His stock in trade consisted of a keg of whisky and plug tobacco. Weary travelers could halt and refresh and then stock up for the balance of their journey. Although there is complaint about railroad management at the present time, we cannot deny that we, in our locality, are favored with a good and efficient

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\*This article was written some years ago, at a time, no doubt, when the price of oats was very low.

service. There was probably a lack of prudent caution in early railroad legislation. The people gave subsidies and lands without price and without conditions. They paid for those lands in buying them back at the highest prices they would bear. Community wants no quarrel—only a recognition of mutual rights. What is called the railroad problem is a difficult one. It will require a wise brain and a skillful genius to solve it.

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FREMONT COUNTY, located in the southwest corner of the State, being bounded on the west by the Missouri river and on the south by the State line, is one of the best counties in the State. Its soil is unsurpassed for richness. It is well watered by the Nishnabotona and branches, and by several small branches running into the Missouri, while numerous large and beautiful springs flow from the Missouri bluffs. It contains a population of 1,250 souls. The southern portion of the county has been settled for about ten years, and contains many highly cultivated and extensive farms. The prairies are less extensive than in many of our eastern counties, while the timber is likewise more equally distributed. In the southern portion of the county the population is made up of emigrants from Kentucky, Tennessee, Indiana, and Missouri, together with a small settlement of French. On the Missouri bottom, in the western portion of the county, is the "Civil Bend" settlement, composed of between twenty and thirty families from the eastern states. In the northern portion of the county there are several small Mormon settlements. The county was organized during the past summer, and the coming legislature will undoubtedly provide for the location of its county seat.—*The Western Democrat, Andrew, Iowa, November 6, 1850.*

## PHILIP M. CRAPO.

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At eleven o'clock Sunday night there died in Burlington a man who has helped in a very great way to make Burlington a better city, a more attractive one to live in, and one in which the pride of its citizens had good cause to grow and expand. There stand to the credit of P. M. Crapo, as monuments to his progressive and liberal-minded citizenship, two things of which Burlington is proud. Chief, it may be said in an intellectual and artistic sense, is the free public library, which his generous gifts made possible to the citizens. There is no nobler inspiration in life than that which conceives the illuminating of the intellect. Thoughts, impulses and deeds which tend toward that object are among the rare things that characterize humanity. In contemplating the efforts which Mr. Crapo has put forth in the up-building and sustaining of the public library, his generous gifts of books, his tireless attention to the interests of the building and its grounds, his frequent donations toward the betterment and intrinsic enhancement of the institution, one reaches the inevitable conclusion that Mr. Crapo was a citizen apart; one whose heart was in the right place, one who saw the needs of the city and hesitated not to do the best he could to aid in the providing the things necessary to fulfillment of the public desire, and its good. That his acts and impulses were dictated by a true and honest heart and one not clouded by the thought of personal gain, there is none who will deny.

Possibly second in importance, though some might put it first, is Crapo park, while not a gift in full, a liberal donation to our city's needs. With enthusiasm unbounded, and zeal that knew no turning, Mr. Crapo worked, dreamed and strove for that stretch of sunlight and pure air for the dwellers in the city where hundreds spend their outing during the outdoor season. Only second to the intellectual development is that of the physical body. Indeed it may be

doubted if the latter is very far behind the first in importance, and there are those who place it first. For, say they, without health, what is learning, what is intellectual enjoyment? Be this as it may, the park which Mr. Crapo's generous contributions enabled Burlington to possess, stands as one of the two fitting monuments to his memory here. It marks the breadth of the man's real character and sets a guiding stone for others to follow, in their efforts along humanitarian lines.

These are the two things—the library and the park—which have brought the public and Mr. Crapo more closely into touch. And it is largely by them that his service as a fellow citizen will be judged. But there are those of Burlington citizens and many people in cities far and wide, who have come in personal contact with Mr. Crapo and by their closer touch possess an acquaintance with his real character that gives him a sure place in their estimation, aside from any philanthropic acts he may have performed here and elsewhere. They will testify that Mr. Crapo's heart was right, that his impulses were generous, that his aim was for the best interests of the largest number. Even those who have felt the glint of fire from the steel of his indomitable character, acknowledge that as a rule Mr. Crapo was technically right. He may, in his eagerness to have some cherished and laudable ambition carried out along the lines which he had carefully considered and believed to be right, have presented too determined a front to his fellow workers. It was not possible for one of his courageous, determined and unswerving disposition, no matter how sincere his belief in the justness of his cause, not to bring at times the tingle of a wound to those who strove with him for some mutually desired benefit to the city.

But there is not a man to-day in Burlington who does not give to Mr. Crapo the credit of great citizenship, of lofty ideals, of unbounded generosity, of untiring zeal for the welfare of his city and its people. Our citizens recog-

nize that these characteristics for which they honor him made him more than a man confined within a city's walls—a recognized factor in affairs at large, whose death will be mourned far beyond the limits of his home city.

Burlington has cause to regret the death of Philip M. Crapo. It will remember him long and will honor him in memory.—*Burlington Hawk-Eye*, Sept. 22, 1903.

Left an orphan in childhood, he early learned to do for himself, and to improve every opportunity that came to him for advancement and promotion in the world. Forty years ago he saw the life of the nation imperiled, and he bared his youthful bosom to the storm of war. The fires of patriotic devotion were always warm and glowing upon the altar of his heart. When the nation was saved, he entered the fields of industry and enterprise, and enlisted his energy and his sagacity and skill in railroad and other work. Thirty-five years ago he came to Iowa, and from that time his life has been identified with the growth of this city and of the State, and with the varied interests of our people in commerce and trade, in the improvement of their farms and homes, and in the advancement of knowledge and of moral and social order throughout the commonwealth.

In business he was quick and prompt and indefatigable in his faithful attention to every trust committed to his hands. Of firm character and strong will, he stood for equity and righteousness between man and man and in public affairs. Independent and self-reliant, he was indifferent to popular clamor, and to opinions and measures his judgment did not approve, and was strenuous and tenacious for his own views and convictions. His sense of justice and right, and his respect and honor for himself, and for the dictates of his reason and conscience, were superior in his own mind to every other consideration.

With these traits there was blended in large and supreme measure the highest ideas of human sympathy and affection,

and the purest and most disinterested sentiments of consideration and regard for the welfare and benefit of his fellow men. His benevolence and charity were unbounded. He appreciated his relations to others as a member of the same human family, sharing common duties and cares, common sorrows and joys, all alike children of the same heavenly Father, and needing the love of one another, as well as the grace and mercy of heaven. His thoughts for the city of his home embraced the higher wants and the richer culture of its people. He knew the charms of nature, and the inspiring and healing influences of great landscapes, of wide visions of earth and sky, of forest trees, of birds, of a lordly river, and of grounds made picturesque by art and taste. He knew the charms of literature, that good books are food for the mind, that history and poetry and science and philosophy are the handmaids of civilization, that free access to the temple of knowledge affords great opportunities for the higher culture and advancement of a people.

For these objects Mr. Crapo labored many years in assiduous effort, planning and arranging to bring about that happy consummation of the best things we have in our city life—the free public library and Crapo park. To them he gave his time in many long vigils and studies of the night, as well as of the day, and for them with generous hand he poured out his wealth in affluent streams. He followed the rule of holy writ that they who are rich in this world be not high-minded or proud, nor trust in uncertain riches but in the living God who gives them all things richly to enjoy, that they be rich in good works, ready to distribute, willing to communicate, and lay up for themselves a good foundation against the time to come, that they may lay hold on eternal life.—*Rev. Dr. Salter at the funeral.*

## ANNALS OF IOWA.

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### EDITORIAL DEPARTMENT.

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#### WALT WHITMAN AND JAMES HARLAN.

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When James Harlan was appointed Secretary of the Interior in 1865, Walt Whitman held a clerkship in that Department. This was before the "good gray poet" had come into any considerable fame. It was at a time, too, when many people—perhaps ninety-nine out of every hundred—deemed certain of his poems immoral and some of them indecent. Mr. Harlan's attention was called to the matter, the result of which was the removal of Whitman from his clerkship. At the time, however, this event attracted little attention; so little, in fact, that at this day very few people who have come down from that generation will remember it at all. Really, it transpired as quietly as would the removal, for cause, of a \$1,600 clerk by a cabinet officer to-day. Comparatively few people at that time entertained any admiration for the writings of Walt Whitman. Mr. Harlan, however mistakenly, shared the popular estimate of the man and his works. Even E. C. Stedman, the poet, spoke of Whitman's writings as "too anatomical and malodorous." Later on, however, as his works grew into wider appreciation, edition after edition was printed, the volumes for the most part we believe, being sold by the poet himself. Publishers were not anxious to identify themselves with him. One of these editions was issued with the announcement that Whitman's autograph would appear upon each title-page. It was the good fortune of the writer of this paragraph to purchase a copy from the author himself. We believe that Whitman never made any public complaint concerning his removal from the Interior Department, but

some of his partisans have continued to denounce this act as a terrible outrage and to visit much censure upon the head of James Harlan. In the foreword of some of the editions of Whitman's writings which have been published since his death, this circumstance has been magnified in importance and denounced in very bitter terms. During the present year an *edition de luxe* of Whitman's writings has been issued by the well-known house of G. P. Putnam's Sons, of New York City. It is in every respect, so far as the manufacture of the ten volumes is concerned, a superb edition—one of which booklovers who are fortunate enough to possess it, will always be proud. It is marred, however, by what we consider a very serious defect, and that is a repetition and expansion of all the nonsensical bitterness which has been so unjustly visited upon Mr. Harlan. We copy the following from the introduction:

Harlan . . . . was told that Whitman was the author of an indecent book. To satisfy himself of the truth of this charge he one evening surreptitiously abstracted Whitman's copy of the *Leaves [of Grass]* from a drawer in his desk, and just as secretly returned it before Whitman next day reported for duty. Harlan was convinced that his information was correct, and Whitman was forthwith discharged.

None who knew Senator Harlan will credit the statement that he was capable of performing any official act "surreptitiously" or "secretively". He was always outspoken in his opinions, prompt and decided in action, and the supposition that he would act in that way will not be entertained by those who knew him well in Iowa. He served the people of this State as Superintendent of Public Instruction, and represented Iowa sixteen years in the United States Senate. Shortly before his death by the hand of an assassin President Lincoln called him from the U. S. Senate Chamber to the secretaryship of the Interior Department, where he also remained for some time. He served three years as presiding judge of the court of commissioners on the Alabama claims during the administration of President Andrew Johnson. He not only enjoyed the unbroken confidence of Presi-



dents Abraham Lincoln and U. S. Grant, but of Charles Sumner, Roscoe Conkling, George F. Edmonds, James W. Grimes, William Pitt Fessenden, Thomas B. Reed, and other great leaders of those historic times. His removal of Walt Whitman was simply a quiet, ordinary event, as appointments and removals were every day affairs before the days of "civil service" laws and rules. It is simply "indecent", betokening no great amount of courage, thus to assail the memory of such a man after his death. However, we scarcely expect this sort of thing to cease. Repeated editions of Whitman's works will be called for in the future, and we presume that those who exploit themselves as his especial admirers, and the protectors of his fame, will continue these savage assaults upon Mr. Harlan with increasing acerbity, regardless of any protests by those who knew him from his first appearance in public life until the day of his death. Possibly those who repeat this nonsense are of the opinion that it adds to their own consequence to pose as the defenders of Walt Whitman, who was too great to need defense from anybody.

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#### THE DEATH OF PHILIP M. CRAPO.

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The death of this statesman and philanthropist occurred at his home in the city of Burlington on Sunday night, September 20, 1903. He had been traveling in Colorado, where he contracted a severe cold, resulting in an attack of pneumonia, which suddenly ended his life at the age of 59 years.

In this untimely death not the city alone where he had his home, but the entire State has suffered an overwhelming and irreparable loss. Eminently successful in business, he was devoting his fortune and the maturity of his life to the public good. His career had been filled with the proudest

labors. He was a soldier who carried his musket in the Union army during the civil war. It is due to his memory that he should be known as the founder of the Iowa Soldiers' Home at Marshalltown, for he drew the bill which provided for its establishment and successfully engineered its enactment into a law. The erection and opening of the magnificent public library in Burlington, resulted from his liberal use of his own means and his untiring and well directed efforts in that behalf. In like manner he was the founder of the magnificent park which by unanimous public assent bears his name. He had rendered much assistance in the establishment of the Historical Department of Iowa, and gave time and money to the development of historic art in our State.

This is but a partial enumeration of Philip M. Crapo's good works, and he was formulating plans for others which in due time would have become known to his fellow citizens of Burlington and the State at large. Elsewhere in this number we copy tributes to the memory of this illustrious man from the pens of those who knew him in public and private life and as neighbor and friend.

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#### NEW COURT HOUSE AT DECORAH.

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On Saturday, August 22, 1903, the corner stone of a new and commodious court house was laid at Decorah, the capital of Winneshiek county, to replace the first one, which was erected in 1857-8. The occasion was a memorable one in the annals of that populous and flourishing county. The orator of the day was Hon. Sidney Foster, of Des Moines. Among the items deposited in the corner stone was a History of Winneshiek County, filling several columns. This was especially prepared for this purpose by Hon. A. K. Bailey, the well-known editor of *The Decorah Republican*, who

served a term in the State Senate, 1890-92. He styles his article "A condensed history of the first things of Winneshiek," specifying "four facts that do not appear in the printed histories." These are—

(1) That Winneshiek county was born February 20, 1847, or four years prior to the heretofore accepted date.

(2) That in the order of births it ranks as the forty-fourth in the Iowa sisterhood of counties.

(3) Locates the "Neutral Ground," of which territory Winneshiek county was the heart, and defines its borders, as had not been done; also explains in what respect it was neutral ground when occupied by the Winnebago tribe of Indians.

(4) Brings out some facts about Fort Atkinson that are interesting if not important.

In Vol. 4, pp. 448-53, of *THE ANNALS OF IOWA*, Col. W. H. Carter of the Regular Army, gives an account of "the establishment, occupation, and abandonment of old Fort Atkinson," his materials having been compiled from the records of the Adjutant-General's office. Mr. Bailey's "new facts" are both interesting and historically important. We copy them in full:

There is but one historic spot in Winneshiek county, viz: Fort Atkinson. The fort was named after General Atkinson, a hero of the Black Hawk war. It consisted of an open square somewhat larger than an acre. Barracks were located on each of the four sides; gun or block houses were on the northeast and southwest corners, and a powder house on the southeast corner. It was on a lovely spot overlooking the valley of a branch of the Turkey river. Its erection was begun in June, 1840, and it was built at a cost of \$90,000. The buildings were of stone, from material mostly prepared at Fort Crawford, near Prairie du Chien, and the construction of a military road between the two forts added considerably to the ultimate cost. This roadway ran along the ridge dividing the valleys of the Turkey on the south side and Iowa and Yellow rivers on the north side. From this fact came the term Military Ridge, or Military road, in common use for upward of fifty years.

The purpose of the fort was to keep peace in the "Neutral Ground" and protect the Winnebagoes in the possession of the same. When completed the fort was occupied by one company of infantry and one of cavalry. With the removal of the Indians in 1847-8, the fort was abandoned, and remained in the hands of a custodian for several years.

In January, 1848, the General Assembly memorialized Congress to donate to the State the site of the fort, together with two sections of land

adjoining, for the purpose of establishing an agricultural college, the same to be a branch of the State University. The memorial said "the location was in one of the finest agricultural portions of the State, and will soon be surrounded by a dense population." This memorial proved of no avail.

Three years later, i. e., in 1851, the General Assembly by a joint resolution, asked Congress to donate the site of the fort (together with all lands attached) to the State of Iowa for a State Normal, Manual Training and Military Institute. This, too, was a fruitless appeal.

In 1853 the site was sold at auction for \$3,521, and a considerable portion of the material was used to build up a new Fort Atkinson in the valley where a railway line had been laid that is now known as the Iowa & Dakota division of the Chicago, Milwaukee & St. Paul Railway.

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### PORTRAITS OF GOVERNOR CHAMBERS.

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We have heretofore alluded to the doubt cast upon the authenticity of an engraved portrait of Maj. John Chambers, second Governor of Iowa Territory, which we published facing page 432, Vol. I, of this periodical. It appeared as one of the illustrations of a biographical sketch by Hon. William Penn Clarke. The descendants of the Governor, some of whom reside in Louisville, Ky., and others in Cincinnati, O., have never been willing to accept it as his portrait. The engraving came to our notice with every indication of authenticity. Copies had long been offered for sale in catalogues of engraved portraits by an eminent house in New York City, as that of "Governor John Chambers, of Iowa". It was also brought to our attention by a distinguished gentleman, now deceased, who was a personal acquaintance of Governor Chambers while he resided in Iowa Territory. Recently, we have received further letters from surviving members of the family of Governor Chambers who seem to discredit the idea that this by any possibility could have been his portrait. They state, as a matter quite well understood by themselves, that this engraving is a portrait of "John Chambers of New York," who was long ago a Judge of one of the higher courts of that state. The portrait is a mezzotint which was engraved by H. S.

Sadd, from a daguerreotype. Of course, it was made in the old days sixty or seventy years ago. It may therefore be considered as settled that this portrait was not that of our Territorial Governor, and parties who have files of our first volume are requested to make a memorandum to that effect upon the margin of the portrait itself. It is a matter of regret that this error occurred, but under the circumstances it was not to be avoided. Unless the truth had come to light as it has now happily been brought out, the portrait was liable to appear in future years when its character could not be determined. The only known genuine portrait of Gov. Chambers is that which we published facing page 441, Vol. I, of *THE ANNALS*, and this was engraved from the oil painting of George H. Yewell, N. A., who visited Kentucky many years ago for the purpose of painting it for the State of Iowa to which it now belongs.

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#### INDIVIDUAL COLLECTORS.

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They are often stigmatized as "cranks"—sometimes perhaps, in sorrow for their peculiar mental aberration—by unappreciative or unsympathizing people whose tastes run in other directions. But communities, states and the world, are vastly in their debt. Their work is one of the most prolific sources from which accessions come to libraries, museums, and art galleries. Probably there is not a county in Iowa which does not possess one or more collectors. Their tastes are as various as their names, running through every field of literature, art, archaeology and natural history. Their treasures are jealously guarded and cared for, but sooner or later will mostly go into museums or libraries, occasionally by purchase, but more often as gifts. The public at last is benefitted by their sacrifices and their good judgment. We have two gentlemen in Iowa who are doing a noble work in the collection of historical literature

possessing a fine and surrounding Schools. We refer to James A. T. Harvey of Shellsburg and Law W. Anderson of Leban. Harvey now owns a library—books, manuscripts—of many hundred volumes. They are valuable in search of the specimens of literature, so necessary to historical students and valued by them. Each carefully keeps the best specimens of books in second-hand books shops or where they may have come to light. Harvey devotes a large portion of his efforts to acquire manuscripts and other valuable works which have long been lost or gone but which are very important to complete the work of our library. They are still young men, but judging by their success up to this time, they will become possessed of collections of large extent and of great value, and after a time the State will profit by what they have accomplished. It would surprise the reader to know how long and how persistently each has pursued his quest for some new book or pamphlet and what astounding prices they have often paid when the search was crowned with success.

Mr. Harbert has kindly loaned to the Historical Department several of his rare books and pamphlets, one of which we briefly mention as follows:

"Galland's Iowa Emigrant, containing a Map and General Descriptions of Iowa Territory." It was printed at Chillicothe, Ohio, by Wm. C. Jones, in 1841. This little book was written by Dr. Isaac Galland, who settled at Montrose, Lee county, Iowa, in 1827, and died there in 1858. It is a pamphlet of 32 pages, bound in boards, much like a Webster's Spelling Book of sixty years ago. It contains a general description of Iowa Territory, as it was known at that time, including a preface of three closely printed pages in fine type. Among the topics to which paragraphs are devoted are the following: Boundaries, history, character of the population, the rivers, the beautiful meadows (prairies), lakes, Indians, beasts, serpents, birds, wild fruits, military defence, speech of Black Hawk, concluding with a list of the executive officers of the Territory, members of the territorial legislature, lists of counties and post offices. It is illustrated with a copy of "Galland's Map of Iowa, compiled from the latest authorities." The book is in an excellent state of preservation, and we are confident will some day be reprinted in this State. At the present time this thin volume is one of the rarest of early Iowa publications and perfect copies command high prices.

## NEW PUBLICATIONS.

*History of Steamboat Navigation on the Missouri River—Life and Adventures of Joseph La Barge, Pioneer Navigator and Indian Trader. By Hiram Martin Chittenden, Captain Corps of Engineers, U. S. A., with illustrations. 2 vols., N. Y., Francis P. Harper, pp. 461. 1903.*

The accomplished engineer who supervised the erection of the Floyd monument at Sioux City, and learned author of "The American Fur Trade in the Far West," (ANNALS, v. 149, 544), has made another valuable contribution to American history. The Missouri river, and the prosperous commerce and trade upon it for fifty years, and the decline and passing away of that commerce and trade, are here described in connection with the life of its hero pilot, Captain Joseph La Barge. The author's skill invests the story with a charm and interest and pathos beyond the arts of romance.

A man of native force, firm texture, and indomitable resolution, Captain La Barge's life was crowded with business activity and thrilling adventure. In his seventeenth year he was a voyageur of the American Fur Company upon the Missouri river, and also employed on the steamboat Warrior upon the upper Mississippi, where he witnessed the tragic scenes that closed the Black Hawk war at Bad Axe, August 2, 1832. In the course of fifty years afterward he built and owned and navigated many steamers on the Missouri river, some of them large and palatial; and "there was not a bend or rapid, a bed of snags, or other feature in the twenty-six hundred miles from the mouth of the river to Fort Benton, that was not as familiar to him as the rooms of his own house." He never flinched in times of fright and terror, in tempest and storm, or in Indian alarms.

Captain Chittenden has woven into the history interesting items as to the questionable methods of the American Fur Company in its monopoly, and smuggling liquor into the Indian country; as to Audubon, the ornithologist, a passenger with Captain La Barge in 1843; the Mormon emigration to Salt Lake; Abraham Lincoln with Captain La Barge in the pilot house; Mr. Lincoln's address at Council Bluffs, August 12, 1859; the Indian wars, and army movements under Generals Harney, Crook, and Sheridan; the Custer Massacre, the mines of Montana, and other affairs of the period which the volumes cover.

In 1867 Captain La Barge made one of his most valuable trips from St. Louis to Fort Benton. With three hundred passengers and three hundred tons of freight, fare for cabin passengers three hundred dollars, freight twelve cents per pound, he made a clear profit of forty-five thousand dollars. The same year, forty steamboats passed Sioux City before the first of June on their way up the river. From 1870 to 1880 that city was the shipping point for all the work of the U. S. army on the upper Missouri. The great enemy of the Missouri river steamboat was not the difficult navigation of the river, but the railroad from the completion of the Hannibal & St. Joe in 1859 to 1887 when the Great Northern reached

Helena, Montana, and gave it a final blow. In 1890 the last commercial boat left Fort Benton. Railroad transportation triumphed over the steamboat.

The government improvement of the Missouri river, for which millions have been expended, though giving occasional and local relief, has proved a final failure. In an enlightened spirit Captain Chittenden asks in a closing chapter as to the destiny of the river. Does it still hold the germ of a future empire? Shall its waters that now run to waste be diverted into reservoirs and canals, be spread over vast tracts of arid land, and a population of twenty-five millions be sustained thereby? The disastrous floods of the Des Moines river in May, 1903, awaken a not wholly dissimilar inquiry, whether such desolations might not be guarded against by the construction of reservoirs to hold back the redundant waters.

W. S.

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*The Hamlin Family. A Genealogy of James Hamlin of Barnstable, Massachusetts, eldest son of James Hamlin, the immigrant who came from London, England, and settled in Barnstable, 1639. 1639-1902. By Hon. H. Franklin Andrews, author of "The Andrews Family, 1890," "The Hamlin Family, 1894," and "The Hamlin Family, 1900." Published by the author. Exira, Iowa, 1902.*

This volume is one of the most considerable literary enterprises ever undertaken by a resident of our State. In fact, we know of none which in point of the labor involved can fairly compare with it. Its data was scattered all over the United States, Canada and Great Britain. Important facts were gathered from old letters, deeds and wills, and from other records preserved in public offices, from crumbling headstones and monuments over long-forgotten graves, from the memoranda set down in family Bibles and church registers. Its author is the Honorable H. F. Andrews, who was a well-known and influential State Senator in 1892-94, from the 17th District, composed of Audubon, Dallas and Guthrie counties. As the genealogy of an illustrious family it is most comprehensive. Aside from this it is a vast compendium of family and general history and biography. The book fills 1411 large octavo pages, and gives the names of 13,000 descendants of the family, among whom we find that of Hannibal Hamlin, who was elected Vice-President of the United States with President Abraham Lincoln in 1860. The work traces the genealogy of some members of the Hamlin family from the time of William the Conqueror to the present day. It has a copious index of nearly 100 pages. Altogether it is one of the fullest and most exhaustive family histories that has yet been published. It is illustrated with many steel and half-tone portraits of members of this and allied families. Mr. Andrews has achieved a distinguished success, which at once places him among the leading genealogists of these times, and he is to be congratulated upon having brought his stupendous task to such a satisfactory conclusion. The book has come from the press in superb style, so far as its printing, engraving and binding are concerned. It sells for \$10 per copy.



## NOTABLE DEATHS.

MRS. JANE (UNDERDOWN) YOUNG was born in the county of Kent, England, in 1830; she died at the Battle Creek, Mich., Sanitarium, September 7, 1903. She came to reside in Webster City, with her brother Daniel, a pioneer hotel-keeper, in the spring of 1857. On the 23d of September, 1858, she was united in marriage with Kendall Young, one of the early merchants of that town. As a business man, Mr. Young was greatly prospered and became the principal founder of Webster City's First National Bank. When he died in 1896, the people of that town were agreeably surprised to learn that his entire estate had been left to Webster City for the purpose of founding a public library. The only incumbrance that was attached to the will was a provision that Mrs. Young, who had been for some years an invalid, should be tenderly cared for during her life time, and that the town should not come into possession of the property until her death. The law would have given Mrs. Young a share of the estate regardless of any will that her husband might have left, but she "elected to take under and assist in carrying out the purpose of the will, rather than claim her statutory rights." In pursuance of this, she very generously gave the use, for library purposes, of their commodious home, one of the finest residences in the town, together with a certain part of the income derived from the estate, its accumulations being much in excess of her own needs. She also manifested a strong disposition to economize as far as possible in her expenditures so that more money could go into the library. She personally gave to the library trustees a stated sum per year, and this they wisely expended for fine art books. From that contribution a collection has grown of which all who are interested in the Kendall Young Library are especially proud. The matter was taken up in the district court upon the joint application of Mrs. Young and the executor, and it was ordered that her wishes concerning the provisions of the will be carried into effect. The trustees at once came into possession of the residence, with sufficient money to begin the purchase of books, and it was but a short time until the Kendall Young Library was in successful operation. The will provides for the appropriation of \$25,000 for the erection of a library building. The whole estate will amount to from \$200,000 to \$250,000. The bequest is probably the largest and most generous ever made in the State for the purpose of founding a public library, and the project was equally approved by both husband and wife. Mr. Young appointed the first board of Trustees as follows: F. D. Young, W. J. Covil, J. W. Young, Samuel Baxter and E. D. Burgess, who will proceed at once to erect the library building. Mrs. Young's remains were brought back to Webster City and interred by the side of her husband. They were pioneers who builded wisely in their day and generation, and their munificent benefaction will keep their memories green.

STEPHEN P. YEOMANS was born at German Flats, N. Y., January 23, 1822; he died at the Soldiers' Home, Marshalltown, Iowa, September 8, 1903. He came to Iowa in 1837, settling near Mt. Pleasant, Henry county, where he labored on a farm in summer, and taught school in winter, during three years. He then studied medicine, graduating at Rush Medical College, Chicago, in 1854. He also graduated from the Hahnemann Medical College, Chicago, in 1871. After acquiring his profession he practiced medicine at Agency City and Sheridan, Lucas county, Iowa. In 1853 he was elected to the Iowa house of representatives by the district composed of Lucas, Wayne, Decatur and Clarke counties. At the opening of the United States land office in Sioux City, he was appointed register by President Pierce, and was re-appointed by President Buchanan. He held that office six years. During the civil war he was appointed assistant surgeon of the

Seventh Iowa Cavalry, remaining with that regiment until after the war closed. He was not mustered out of the service until May 17, 1866, his discharge dating from Ft. Leavenworth, Kan. He then settled at Clinton, where he practiced his profession until 1879, when he removed to Charles City which for many years was his home, though he spent a number of years at Waseca, Mitchell county, serving in both places as a member of the Board of United States pension examiners. He was also a trustee of the Iowa State Agricultural College for six years. Dr. Yeomans was a prominent member of the Iowa Department of the G. A. R., and also of the Pioneer Law Makers' Association of Iowa. He was an excellent Christian gentleman, who possessed an admirable faculty of making friends. As has been seen, he had resided in many localities in Iowa, in all of which he is remembered with great kindness. He was an eloquent speaker, and a clear and able writer. No man received a heartier welcome at the biennial meetings of the Pioneer Law Makers' Association. The Historical Department possesses a tasteful memorial of Dr. Yeomans. A few years before his death he deposited with the curator his commission as "Second Lieutenant, Company — in the 3d Brigade of the 1st Division of Militia of the Territory of Iowa, with rank from July 24, 1840. "The company letter is covered by a tint and indistinguishable. This is signed by "Robert Lucas, Governor and Commander-in-Chief of the Militia of said Territory." It bears this attestation: "By the Governor's command, Ver Planck Van Antwerp, Adjutant General." It is accompanied by a signed photograph of Dr. Yeomans and a letter in which he briefly sketches the principal events in his long and busy life.

CHARLES ASHTON was born in Heighington, Lincolnshire, England, June 2, 1823, he died at Guthrie Center, Iowa, August 26, 1903. He came to America with his parents in his tenth year, the family settling in Richland county, Ohio. He had but limited opportunities for acquiring an education and to a great extent educated himself. In 1847 he was licensed as an exhorter in the Methodist church, and shortly after became a local preacher. In 1850 he was transferred from the Ohio conference to that of Des Moines, Iowa. He was first stationed at Guthrie Center, afterward having pastorates in Harlan, Dexter, Carlisle, and Guthrie Center. In 1861 he was wrecked by a vicious horse, from the effects of which he never recovered. This accident kept him out of the Union Army in the civil war. About the year 1882 he became the editor and proprietor of *The Guthrian*, a newspaper journal which had been established in the early seventies. In this new field of enterprise "Father" Ashton, as he was now familiarly called, became well and widely known. He was a keen, incisive, vigorous, and always courageous writer. A "free-soiler" in his early manhood, he naturally voted for John C. Fremont for President in 1856, and upon the organization of the republican party became one of its active members. His county supported him for senator in 1895, in a three-cornered fight between Dallas, Guthrie and Audubon counties, but the choice fell to an opponent. "Father" Ashton was public spirited and enterprising to a degree equalled by few men of the region in which he lived. When he settled at Guthrie Center in 1878, he saw at once how necessary it was to have a railroad connection with the outside world. He was instrumental in projecting a road to Menlo, a town on the Rock Island line, and a company was organized of which he became the active, energetic and successful president. The road was built and is now a part of the Rock Island system. He was also one of the Iowa Commissioners to the great Columbian Exposition at Chicago, of which he was one of the most useful working members. He compiled the "Hand Book of Iowa," of which 25,000 copies were published, and was chairman of the committee on history, archæology and statistics. His days were full of Christian work and genuine usefulness.

JOHN SCOTT was born in Jefferson county, O., April 14, 1811; he died in the city of Des Moines, Iowa, September 23, 1903. He was educated at Franklin College, New Athens, O., studying law at Steubenville, in the same state. He was admitted to practice law by the Supreme Court of Ohio in 1845. He enlisted under Cassius M. Clay in 1846 and went into the Mexican war. The command was captured at Encarnacion, in January, 1847, and remained prisoners for several months. He settled in Nevada, Iowa, in 1856. In 1860 he was chosen to the Iowa Senate for the term of four years, but resigned to enter the Union service in 1861. He became Lieutenant-Colonel of the 3d Iowa, which he commanded in the sharp battle of Blue Mills, Mo., September 17, 1861. In 1862 he was transferred to the 32d Iowa of which he became Colonel. He commanded this regiment until after the battle of Pleasant Hill, La., on the 14th of April, 1864, when he resigned and returned to Iowa. The battle of Pleasant Hill was one of the bloodiest in the south. Over one-half of Col. Scott's regiment were killed or wounded in that affair. He was elected Lieutenant Governor of Iowa in 1868. He was president of the State Agricultural Society in 1872-3, and of the State Improved Stock Breeders' Association and the State Road Improvement Association. He was re-elected to the State Senate in 1886, and was also for two years president of the Iowa Pioneer Law Makers' Association. Col. Scott wrote much for the press, and has in fact, been editor of two or three journals. He was author of a history of the 32d Iowa Infantry, and of a monograph on the genealogy of the Scott family, together with a work recounting his adventures in Mexico. He was especially prominent in Masonic circles, and was elected Grand Master of the Grand Lodge of Iowa in 1869 and again in 1870. Col. Scott was one of the well known and distinguished citizens of Iowa, a model husband and father, and one of the "bravest of the brave" among Iowa soldiers.

DAVID C. CLOUD was born in Champaign county, Ohio, January 29, 1817; he died in Chicago, Ill., July 10, 1903. His early school advantages were very limited, wholly ceasing when he was fifteen years old. He commenced to learn the trade of bookbinder, but gave it up in a few months and became a carpenter's apprentice. After learning this trade he settled in Muscatine, then known as Bloomington. He worked at carpentering some eight years, during which time he studied law. While engaged in his legal studies he was elected justice of the peace. Soon after his admission to the bar he was chosen prosecuting attorney, holding that office two terms. His principal public service, in which he obtained a state reputation, was that of attorney general. He was elected August 1, 1853, and re-elected August 7, 1854, the first incumbent of that office in Iowa. He was one of the representatives of Muscatine county in the 6th General Assembly. He was an active, useful man in his prime, taking prominent part in the politics of those days. Mr. Cloud resisted the slaveholders who pursued and sought to capture their "property" in this State. He heartily supported the Union cause during the civil war, writing a book on "The War Powers of the President". He also wrote another book on "Monopolies and the People." In 1872 he supported Horace Greeley for President, becoming a delegate to the Democratic National Convention. After that he continued to act with the Democratic party to the end of his life. During his incumbency of the office of attorney general and for many years afterward, he was one of the most widely known men in Iowa.

LORAN W. REYNOLDS was born on his father's farm, near Laporte, Ind., May 4, 1846; he died in Chicago, July 31, 1903. He received his education in the elementary schools, supplementing the same by a course at the New Carlisle Literary Institute, and graduating from the law department



of the University of Michigan in the year of his majority. He commenced the practice of law at Chariton, Iowa, and afterwards was associated with Judge Conklin at Vinton, and later opened an office in Carroll. In 1871 he was married to Miss Florence Bowman of Greene county, and the same year, in company with Hon. A. J. Holmes, opened an office in Boone, the partnership existing until the election of his associate to Congress in 1882. About this time he entered upon a career in the promotion of public utilities, the first being the St. Louis, Des Moines & Northern Railway, connecting Des Moines and Boone. This was followed by the building of the street railway between Boone and Boonesboro; the suburban trolley line connecting the latter place with the mines and Boone viaduct; the electric light and power plant, and the Central Heating System of Boone. He was also interested at its initiation in the electric line between Waterloo and Cedar Falls, in oil at Beaumont, Texas, in the work at Port Arthur, and in various other enterprises. He was energetic, far-seeing, honorable; courteous to his equals and kindly and generous to the lowly. His early death was a loss to his community and to the State. His remains were cremated at Davenport, Iowa, and the ashes rest in Boone.

FRANCIS MARION POWELL was born in Morgan county, Ohio, November 12, 1848; he died at Mercy Hospital, Chicago, August 16, 1903. He graduated from the Ohio Wesleyan University, and gave some years afterwards to teaching, at the same time pursuing his medical studies. He graduated in the study of medicine from the Starling Medical College of Columbus, Ohio. He first settled at Hastings, Iowa, where he became a very successful medical practitioner. He removed with his family to Glenwood in 1881, and the following year was appointed Superintendent of the State Institution for Feeble Minded Children which had been located at that place. While in charge of that Institution he achieved remarkable success, becoming an expert in the treatment and management of the feeble minded. He attended meetings in all parts of the country where the subject was considered, and placed himself in touch with the most eminent specialists in the world in his line of work, becoming a leading authority in this field of usefulness. The work of the Institution proved too great for him, and in March, 1903, he was compelled to tender his resignation. After that he was a stricken invalid, vainly seeking restoration to his old condition of health. Among the managers of our State Institutions, few have achieved so brilliant a success.

HENRY CLAY HENDERSON was born in Brownsville, Tenn., December 6, 1827; he died at Los Angeles, Cal., August 13, 1903. Judge Henderson was for many years a resident of Marshalltown, Iowa, where he achieved a state reputation as a lawyer, editor and republican politician. In 1863 he was elected to the State senate for the term of four years. He was considered one of the ablest and most useful men in that body. In 1864 he was chosen a presidential elector for the sixth district of Iowa, casting his vote in the electoral college for Abraham Lincoln and Andrew Johnson. He was elected judge of the eleventh judicial district in 1881, and re-elected in 1882. He remained on the bench until January 1, 1887, when he resumed the practice of the law. He had edited *The Marshalltown Times* as early as 1860, but in 1865 he became its proprietor. He made the paper a recognized organ of the republican party in that section of the State. He was a useful member of the school board of Marshalltown. In 1891 he settled in Boulder, Col., where he practiced law until two years ago when he removed to California. He was a man of much culture, an able journalist and lawyer and a judge who enjoyed universal confidence. *The Marshalltown Times-Republican* of August 15, 1903, gave an elaborate and appreciative sketch of his useful life.

RICHARD ROOT was born in Maryland, January 27, 1834; he died at Camden, Maine, July 28, 1903. This well-known Iowan left the common schools at the age of 16 years. He soon afterwards became a member of the U. S. Coast Survey, and continued for three years on the coasts of Florida and South Carolina. He then went out over the plains to Colorado in charge of a supply train, and resided in Kansas and Colorado until the outbreak of the civil war. He first enlisted in Co. K, in the 19th Iowa Infantry, and was chosen first lieutenant. He was present at the battle of Prairie Grove, Ark. Soon after Governor Kirkwood commissioned him as captain in the 8th Iowa Cavalry. He was promoted to major of the 2d battalion, serving in that capacity until mustered out. He raised, armed and equipped a brigade of colored troops with whom he served but a short time. Returning to Iowa, he was appointed United States marshal of Iowa, which position he held for some years. Later, he was elected sheriff of Lee county. While John H. Gear was United States Senator, Col. Root held the position of superintendent of door-keepers of the Senate until the death of the ex-governor. Col. Root was a pronounced, active and influential politician, enjoying the confidence of those with whom he was associated.

THOMAS BELL was born in Philadelphia, Pa., April 5, 1839; he died at Fairfield, Iowa, August 18, 1903. He came to Iowa in 1857. He enlisted in Company K, Second Iowa Cavalry, in 1861, and re-enlisted in 1864. He was with that famous regiment during all its active service and his military record is in all respects most creditable. Besides participating in sixty-two skirmishes he also took part in the following battles: New Madrid, Mo., the celebrated charge at Farmington, Miss., and the battles of Corinth and Iuka, at Tupelo, Franklin, Nashville, and several others. Returning to Fairfield, Jefferson county, he established himself in the grocery business, which he followed during the remainder of his life. He was chosen to the State Senate in 1895 and served in the 26th and 27th General Assemblies. He was also an active member of the Grand Army of the Republic.

J. W. JENKINS was born in the state of New York in 1825; he died at Kansas City, Mo., June 24, 1903. He came west early in the fifties and settled at Maquoketa, Jackson county. At the outbreak of the civil war he enlisted in the Union army and rose to the colonelcy of our 31st Infantry, which he commanded until the close of the war. His regiment belonged to the immediate command of General Sherman. He took part in the battles around Vicksburg, Lookout Mountain, Missionary Ridge, and the Atlanta campaign, and was several times wounded. He was struck by a piece of shell at Resaca, inflicting a wound from which he never fully recovered. After the war he settled in Kansas City, and entered upon the practice of the law. He was a member of the Kansas City Bar Association, the Old Men's Association, and of the Grand Army of the Republic. Col. Milo P. Smith paid a handsome tribute to Col. Jenkins in *The Cedar Rapids Republican* of June 28, 1903.

THOMAS M. C. LOGAN was born at Rushville, Rush county, Ind., February 13, 1830; he died at his home near Centralia, Mo., August 20, 1903. He laid out the town of Logan, Harrison county, which bears his name, and settled there in 1867, becoming widely known as the leading dealer in grain and live stock in that part of the State. He was prominent in promoting the cause of education in his county, and was also noted for his activity and zeal as a temperance worker. Chosen as a member of the board of supervisors in 1879, he found the county warrants were worth but 25 cents on the dollar, but largely through his efforts, the debt was bonded and the credit of the county brought up to par. He was elected to the State Senate in 1887, and served the regular term of four years. He removed from this State some years ago.

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[illegible]

Raynor H. Bennett was born in the state of Kentucky in 1928; he graduated from the University of Kentucky in 1950, serving in the United States Army during the Korean War. He was a member of the Kentucky State Bar Association and the State Bar of Kentucky, which was a member of the American Bar Association. He was a member of the Kentucky State Bar Association and the State Bar of Kentucky, which was a member of the American Bar Association. He was a member of the Kentucky State Bar Association and the State Bar of Kentucky, which was a member of the American Bar Association. He was a member of the Kentucky State Bar Association and the State Bar of Kentucky, which was a member of the American Bar Association.

Weeks in America meeting in Cedar Rapids, N. Y., March 7, 1881; returned to Webster City, Iowa, December 1, 1881. He came with his parents to Hamilton, Iowa, March 1875. In 1876 he crossed the Mississippi, settling at Spirit Lake. In 1880 he returned to Webster City, where he resided until his death. He was for many years a leading business man, and one of the founders of the Congregational Church in Hamilton county.

**Daniel Brewer** died at Waukegan, Ill., Dec. 29, 1902, at the advanced age of 64 years. He came to Iowa at the age of 24, and the following year was chosen to the house of representatives of the second legislative assembly for the counties of Louisa and Washington. He was conspicuous for his advocacy of Iowa City as the site for the State capitol. He removed to Waukegan, Ill., in 1846, where he afterwards resided until his death.

WALTER BURKHOLDER, was born in Holmes county, O., in 1847; he died at Fort Dodge, Iowa, June 15, 1903. He was one of the pioneer settlers of Fort Dodge and had seen its growth from a small frontier village to a thriving city of several thousand inhabitants. He was a brother of Mrs. Gov. C. C. Carpenter, and William E. Burkholder, who was lost on the Spirit Lake expedition of 1857.

## Historical Department of Iowa.

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# ANNALS OF IOWA.

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*Cordially yours,*

*William G. Donnan*

HON. WILLIAM G. DONNAN,

Iowa soldier in the civil war; State Senator and member of Congress; founder  
of the Hospital for the Insane at Independence, Iowa.

# ANNALS OF IOWA.

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## A REMINISCENCE OF THE LAST BATTLE OF THE RED RIVER EXPEDITION.

BY HON. WILLIAM G. DONNAN.\*

When requested to write, for THE ANNALS OF IOWA, a report of the last battle of the Red River campaign, I thought to make an early compliance; but, remembering that I could not speak from personal knowledge, of the entire battle-field, I have long hesitated to write at all. However, after reading the official reports, of both the union and the confederate generals, I have determined to write (for reasons which will herein appear), at least of that part of the engagement, in which our own brigade actively participated.

This brigade was composed of the following troops, viz: the 14th Iowa, the 27th Iowa, the 32d Iowa, the 24th Missouri regiments, and the 3d Indiana battery; Col. W. T. Shaw, of the 14th Iowa commanding. It was named the

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\*William G. Donnan was born at West Charlton, Saratoga county, N. Y., June 30, 1834, the son of Alexander and Elizabeth (McKindley) Donnan. He is wholly of Scotch blood. He received his education at Cambridge Academy, N. Y., and at Union College, Schenectady, N. Y. He was graduated B. A., in 1856, and settled in Independence, Iowa, Sept. 5, 1856, where he was admitted to the bar in April, 1857. In the latter year he was elected Treasurer and Recorder of Buchanan county, Iowa, and re-elected. In 1862 he enlisted as a private soldier in the 27th Iowa Infantry Volunteers. He was promoted to 2d lieutenant and 1st lieutenant, and brevetted Captain and Major, serving a large part of his term as Brigade Adj't Gen'l. He received honorable mention by his Brigade Commander in several official reports of battles, and was honorably discharged at the close of the war. He was elected to the State Senate and served in the 12th and 13th General Assemblies, and also in the 20th and 21st. He was elected to the 42d Congress, re-elected to the 43d, and was Chairman of the Republican State Central Committee in 1883. He is now President of the First National Bank of Independence, Iowa. During Mr. Donnan's service in the State Senate it was mainly due to his efforts and influence that a State Hospital for the Insane was established in the city of Independence.


2d Brigade, 3d Division, of the 16th Army Corps, and was a part of the army commanded by Maj. General A. J. Smith.

Smith's entire command, consisting of seven brigades and three batteries (about 10,000 men, effective for duty), was, on the 9th of March, 1864, loaned by General W. T. Sherman, to General N. P. Banks, for an agreed period of twenty days, to join Bank's forces, and assist in his proposed Red River Expedition, the objective point of which, was the capture and occupation of Shreveport, La., by the Union army.

In the first battle of the campaign, Shaw's brigade, after marching twenty-six miles, on the 14th of March, took a prominent part in the siege, charge, and capture of Fort De Russey, with 319 prisoners, ten pieces of artillery, and a large amount of ordnance and ordnance stores.

In the sanguinary battle of Pleasant Hill, on the 9th of April, this brigade was placed in the most advanced position of the union forces. It was in the fiercest of that day's terrible fighting. That the men fought desperately, is attested by the fact that Shaw's brigade suffered a loss of no less than 483—by far a greater casualty list than was sustained by any other two brigades. The valor of Smith's troops, and the value of his command, may be correctly inferred by a single sentence. Just after the final charge, General Banks rode up, and warmly grasping General Smith's hand, said: "God bless you, General, you have saved the Army."

As I am not seeking to write of the whole Expedition, but only to recall some facts connected with the last engagement of that campaign, let it suffice to say, that after the carnage of the battle at Pleasant Hill, Banks concluded to forego the attempt on Shreveport, and commenced his retreat. This was long delayed, in getting Porter's fleet of gunboats over the shoals of the rapidly falling river near Alexandria, which was only accomplished by the morning of the 13th of May. Thereupon, the army took up its line





of march for Simsport. It was opposed in front, and harassed in flank and rear, every day by the courageous enemy. Smith's troops covered the retreat the entire distance, frequently halting, to fight and drive back the Confederates.

By the morning of the 18th of May, Banks' army had crossed the Atchafalaya, and was beyond further molestation. Early in the day, the enemy made a strong attack on our rear line. Smith, who had gone to the landing, had left orders with Gen. Mower, that in case of attack, he should take what force he deemed necessary, and repel it. Mower ordered out three brigades and two batteries, recrossed Yellow Bayou, gave battle, and rapidly drove the enemy nearly two miles, across a large level tract upon which many dead trees were standing, and through a belt of timber, where he found the enemy in heavy force, upon the farther side of a cleared space. The enemy opened upon us with twelve pieces of rifled artillery. Mower quickly formed battle line—two brigades front. Shaw's brigade to the left and rear, in reserve. We were here under severe artillery fire, probably two hours. The 24th Missouri regiment was early detached to support the battery on the extreme right. The 14th Iowa was also moved to the left to support a battery there.

Probably about 2 o'clock, Col. Shaw seemed to grow restless and suspicious. He declared he would ride out in front of the lines. As he did not order me to remain with the command, I accompanied him. We rode into the timber, to the left and front of our battle line a distance of 350 yards, or more. Here he sat, watching and listening. Occasionally bullets from the enemy's line, were clipping the leaves and twigs about us. Just at this time, Major Sampson (Mower's Adj't Gen'l) rode rapidly up, and said: "Col. Shaw, the General directs that you throw your brigade to the right and prepare to meet the charge of the enemy." Shaw turned in his saddle, and asked: "To the

right? To the left, you mean?" "No," said the staff officer. "The order is to the right!" "H——!" exclaimed Shaw. "I tell you, if I don't throw my brigade to the left—in 15 minutes, we are lost!" "Wait till I see the General," responded Sampson; but Shaw whirled about, and putting spurs to his horse, rushed out of the timber, towards the command, losing his hat in the underbrush. I climbed off my horse, seized his hat, and followed him, as quickly as possible. Reaching the line, I found Shaw, bareheaded, in the blazing sun, using language extremely emphatic, but such as the editor will hardly care to print, furiously urging the brigade upon an advanced line, but so greatly fronting to the left, as to make nearly a right angle with our principal line of battle. He ordered me to go and assist in hastening the 32d Iowa regiment, upon the new alignment. Having performed that duty, I returned to his side.

Almost immediately thereafter, on came the rapidly charging line of the enemy, emerging from the timber at close range and parallel with our changed front; and coming (as we learned from officers captured a little later) with absolute confidence, that they had successfully turned our left flank, and would surely capture us. A close and severe engagement ensued. It was hot, short, sharp, and decisive. Both lines fought with fine courage and desperation; but the rapid, and well directed fire of the three Iowa regiments, with the splendid service of the 3d Indiana battery guns double shotted with canister, finally sent them flying back with heavy loss, leaving in our hands a good share of the 156 prisoners taken in the action.

Later in the afternoon the Confederates made another advance, but were met, repulsed, and driven back a considerable distance to the protection of their artillery. By this time, they seemed to have had sufficient experience with Smith's troops, and made no attempt at any further attack. This ended the fighting of the Red River Expedition.

Maj. Gen. Richard Taylor, commander of the Confederate

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army, in his official report, as published, says this was a very severe action, and admits that his loss, in killed, wounded, and prisoners, would reach at least 500; while our total loss, officially reported, was only 267.

Military law is the extreme reverse of our democratic institutions. The average citizen can hardly imagine how completely it changes the man into a mere machine. The soldier's freedom of will and of action are submerged. Aside from "tactics" he is taught that obedience to the orders of his superior is his duty, and his whole duty. And the lesson is enforced by discipline, and the infliction of punishment for failure to obey.

Theirs, not to reason why,  
Theirs, but to do, or die.

The same rule is applied to commissioned officers, but with a more strict accountability. The higher the grade which the officer may hold, the greater will be the penalty inflicted. Therefore, disobedience to the order of his commander, by an officer high in rank, especially while engaged in battle with the enemy, is, in military law, a flagrant crime, and renders such officer liable to extreme punishment—humiliation—disgrace.

Now, Shaw, an old soldier of the Mexican war, and a longtime officer in the union service, was wholly familiar with the requirements of the military code. He knew that all he had to do, was to move his command as Mower had directed, and though disaster befell, his rank and reputation were safe. He also knew the terrible punishment which was liable to follow any failure to obey orders, while in conflict with the enemy.

Whether any such thoughts entered Shaw's mind, I do not know. But I do know, that even if they did, he did not hesitate for a single moment. He felt sure of the impending danger to our army. I then believed, and now believe, that had he obeyed the order as given in my presence and hearing, we must all have been either slain, or captured.

He assumed the great responsibility. Danger to self was unthought of, or uncared for, as weighing not a feather. Safety for his command, and for our remnant of an army, contesting with a greatly outnumbering foe, was everything. He moved his brigade in accordance with his own (as it afterward proved) better judgment. He turned inevitable defeat into substantial victory. Of such material are heroes made.

In his official report, Shaw plainly stated that he moved his brigade to the left, contrary to orders. The next day after it had been forwarded to Division headquarters, he said, "Mower is dissatisfied with my report." I asked, in what respect? Shaw replied, "He wants me to strike out 'contrary to orders', and say 'in obedience to orders;' and I told him I couldn't do that; it wouldn't be true." Yet, in the official report of our brigade as published in the *Records of the War of the Rebellion*, Shaw is made to say that he moved his command, "without waiting orders." When, or by whom the original report was tampered with, and changed, I have never learned. (Vol. 34, page 357.)

In his official report of the battle, General Mower pays only the following scant compliment to the Commander of the 2d Brigade: "Col. Shaw handled his men with skill and coolness, and aided in repelling the charge of the enemy on the flank, and in driving them back." (Vol. 34, page 321.)

Had General Mower been half as magnanimous as he was personally brave and impetuous in battle, his report would have contained something like this:—"Col. Shaw, with keen perception, discovered sooner than myself, the flanking movement of the enemy. His rapid and timely change of front to the left, although at variance with my order, is not only warmly commended, but it stands as an additional proof of the high soldierly qualities of this intrepid officer; and I earnestly recommend his prompt promotion."

This article is prepared with the hope and desire that its statements may be published in *THE ANNALS OF IOWA* in simple justice to our old brigade commander, Col. W. T. Shaw, who merited far more than he ever received from the state, or the nation.

NOTE—Perhaps this paper should have been submitted to Col. Shaw in advance. However, I am so sure of its truth, in substance and in fact, that I send it forward at once. If any corrections are necessary, I hope Col. Shaw while he yet lives, will make them over his own signature.

W. G. D.

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A WHIG PRESS, under the supervision of Mr. L. P. Sherman, has arrived in our town and will soon be ready to issue. We wish its adventurous proprietor success in everything but the extension of his political sentiments. The establishment of another press, and that a Whig one, in a region so new and so Democratic as this, speaks volumes in favor of the destiny that awaits our town and county. The press is the pioneer and the herald of improvement; and although we differ materially from our new neighbor, yet we hail his advent as evidence that Fort Des Moines is attracting that attention abroad which the importance of its situation demands. When we see his paper we will hold a talk with him.—*The Fort Des Moines Star*, Dec. 28, 1849.

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THIS COUNTY is now receiving a large emigration from the East. Almost every boat brings us more or less of those who seek a home in the West. The advantages of this portion of Iowa are beginning to be duly appreciated. Our beautiful timber, our immense water power, our healthy climate, our rich and varied soil, are attracting the attention of the emigrant, and as a consequence the country is rapidly settling up. The emigration to California, though very large, will be more than supplied by industrious and enterprising families from the old States.—*Western Democrat, Andrew, Iowa*, April 26, 1850.

## IOWA IN THE TERRITORY OF MISSOURI.

1812—1821.

BY REV. WILLIAM SALTER, D. D.

The people of Orleans Territory having organized a State government, and named it Louisiana, and the State being admitted into the Union in April, 1812, Congress gave another name to the Territory of Louisiana, and called it the Territory of Missouri, the boundaries remaining as before, that is, covering the whole of the Louisiana Purchase north of the thirty-third parallel. William Clark was Governor, and continued in office through the whole life of the Territory. Edward Hempstead was chosen delegate to Congress, a man of character, efficient in securing legislation for the support of schools, a native of Connecticut.

On the eighteenth of June, 1812, Congress declared war against England. In the eastern States it was a war for "free trade and sailors' rights." In the west, on the part of England, it was a "traders' war," to keep the Indian trade and the Indian country in the hands of the British fur companies. To this end the British traders supplied the Indians with arms, as Tecumseh said to a British general, "You gave us the tomahawk; you told us that you were ready to strike the Americans, that you wanted our assistance, that you would get us our lands back." He had visited the Sacs of Rock river, the Ioways, and other tribes, to secure their alliance. Black Hawk and his warriors were enlisted in the British service. A British officer gave him a British flag, and placed a "Royal George" medal around his neck, saying, "Your English father has found out that the Americans want to take your lands, and he has sent me and his braves to drive them back to their own country." In the course of the summer Mackinaw and Detroit were captured, and the garrison at Chicago massacred. For

more than a year Fort Madison was threatened with a similar fate. It was a lone post, 250 miles from its base of supplies at St. Louis, and the most northern spot on the Mississippi where the authority of the United States was represented by soldiers and the flag. The garrison consisted of about one hundred men, officers and privates; there were also a few men in charge of the factory, or trading house, which the government had erected, pursuant to the treaty of 1804.

On the 5th of October and the two following days a party of Winnebagoes beleaguered the fort. They shot fiery arrows, and hurled burning brands upon the block houses, destroyed the corn fields, killed the live stock, and killed and scalped a soldier who had exposed himself outside the fort. By direction of the commanding officer, Lieutenant Thomas Hamilton, at an evening hour when there was no wind and the fort not endangered, the factory was burnt, to save its contents from falling into the hands of the savages, at an estimated loss of five thousand five hundred dollars. A contemporary report says, "Lieutenants Hamilton and Barony Vasquez have done themselves much credit in the defence of the post. No lives were lost in the fort. Many Indians must have been killed."\* Some of the military authorities proposed the evacuation of the fort, but General Benjamin Howard, in command at St. Louis, objected that it might embolden the Indians. He also said that an expedition to erect a garrison commanding the mouth of the Wisconsin river was contemplated, and that Fort Madison would be of service in the prosecution of the expedition. In April, 1813, General Howard on an inspection tour visited the fort and advised holding it, though the necessary preparation for evacuation might go on. The fort was twice attacked in July, and in the morning of the 16th of that month a corporal and three privates were surprised at an outpost and butchered. The Indians occupied higher

\*Niles' Register, Oct. 31, 1812. Annals of Iowa, iii, 105.

ground, and kept up the siege, so that no one dared venture outside the fort. There were many soldiers on the sick list. As the supplies were about exhausted, and promised reinforcements failed to arrive, and some feared the fate of their butchered companions, it was concluded to abandon the fort. A trench was dug to the river. In the night of September 3d, the men moved down the trench on their hands and knees to boats on the shore, when the order was given to set fire to the block houses and barracks, and the garrison were on their way down the Mississippi, and the fort was in flames, before the savages lying within gunshot were aware of the movement. The stone chimney of the fort remained standing for several years. The site was known as "Lone Chimney." The Indians called it "Po-to-wo-nock," the place of fire.

Prominent in Missouri Territory for his military services was Henry Dodge. From captain of a mounted rifle company at the beginning of the war he rose to the rank of Brigadier General by appointment of President Madison. By his courage and skill, having great knowledge of Indian character, himself perfectly fearless, he overawed and composed hostile and wavering bands, and protected the frontier settlements. Notable among his actions was saving the lives of a band of Miamies that General Harrison had sent west of the Mississippi, in order to put them out of the way of British influence. These Indians proved perfidious, and became a terror to the settlements on the Missouri river. General Dodge was sent to chastise and correct them. On reaching their village it was found deserted. They had taken to the woods. On being collected together, they gave up their arms, and the booty taken from the settlers whom they had robbed and murdered; they only begged to be spared their lives. The general accepted their surrender, and was making preparations to send them back to their former country, when a troop of "Boone's Lickers," whose kindred and neighbors had been plundered and slain

by the Miamies, rode up intent to kill every one of them. The instant General Dodge was informed of this, he rode to the spot where the Miamies were upon their knees, a death-prayer to the Manitou on their lips, and the "Boone's Lickers" in the act of levelling their guns upon them. Spurring his horse between the guns and the Indians, he placed the point of his sword at the bosom of the captain of the troop, and forbade the shooting. After some harsh words the captain ordered his men to put up their guns. The Miamies expressed the warmest gratitude to General Dodge for saving their lives. They were soon conducted to St. Louis, and conveyed to their home on the Wabash. General Dodge, recalling the scene in later years, said that he felt more pride and gratification in having saved the lives of his Miami prisoners than in any triumph in arms.

In order to break up a nest of British traders and hostile Indians on the Upper Mississippi, Governor Clark early in May, 1814, went up the river with a gunboat and barges and 150 volunteers and 60 regulars, and built a fort at Prairie du Chien. The Governor returned to St. Louis, leaving the troops to hold the fort, but an overwhelming force of British and Indians compelled its capitulation on the 17th of July. About the same time, troops on the way up the river with reinforcements and supplies, under Captain John Campbell, met with a furious assault from the Sacs and Foxes at Rock Island. The savages were marshalled by Black Hawk, and swarmed about the boats on both sides of the river. They killed nine, wounded sixteen of the Americans, captured one of the boats with its stores, and compelled a retreat. The British commander at Prairie du Chien reported it as "perhaps the most brilliant action fought by Indians only, since the commencement of the war."

To chastise those Indians and destroy their villages and cornfields, another force was sent from St. Louis in August under Major Zachary Taylor. Approaching Rock Island, a British flag was seen flying, and a cannon shot that struck

Major Taylor's boat gave him the first warning that a British force would dispute his passage. A lieutenant from Prairie du Chien had come in answer to an appeal from the Indians, bringing a brass three-pounder and two swivels. They were posted on the west side of the river. At the same time bands of Foxes, Winnebagoes and Sioux came down the Mississippi to help the Sacs. Black Hawk again marshalled the Indians on both sides of the river. The guns were well handled. The Indians dragged them from one position to another with high glee, and drowned each report of the guns with yells and acclaims. After fatal skirmishing, eleven men badly wounded, three mortally, finding it impossible to dislodge the enemy without endangering his whole command, Major Taylor retired down the river. This was on the 6th of September, 1814.

The British and their savage allies now held the Upper Mississippi. Whether or no they should continue to hold it, was one of the vital questions before the Commissioners who had already been appointed to negotiate a peace between Great Britain and the United States. A British officer sent this word to Black Partridge, a famous Pottawattamie chief, and to chiefs of other tribes: "When the French left Canada they asked us (the British) to take care of the Indians. We will do so, and unless the Americans abandon all the country on this side of the Ohio, we will not make peace with the Americans." The British Commissioners at their first meeting with the American Commissioners, August 8, 1814, insisted that the United States set apart a portion of the Northwest to the Indian tribes, to be held by them in sovereignty under a guarantee of Great Britain. They also asked the right of navigation for British subjects upon the Mississippi. However preposterous these demands, and denied as they were by the American Commissioners, they show the British animus of the time. The same summer, the city of Washington was captured, the Capitol and the President's house were burnt, and preparations were



making to capture New Orleans and take possession of Louisiana. At the same time it was expected that Spain would cede Florida to England, so that the territory of the United States would then be circumscribed by England, be confined to its original limits, and there be a Greater Britain on the American continent. This was the dream of British propagandists. But the Commissioners yielded the points upon which they had insisted. It was agreed that the boundaries of the two countries remain as before the war; and Spain still held Florida. The British traders had brought upon the Lakes and the Mississippi a larger supply of goods for the Indian trade than ever before. They hoped to retain their ascendancy, and keep that trade. But after the peace, the United States excluded them from that trade in our territory. "Their ascendancy over the Indians in the late war must be remembered," said Mr. Calhoun. He traced to it our greatest disasters in that war.

In the treaty of peace, Great Britain looked after its Indian allies, and provided that the United States should put an end to hostilities with them. Accordingly, the United States summoned all the tribes upon the Upper Mississippi and Missouri rivers to meet in council, in the interest of peace. They assembled in June, 1815, at Portage des Sioux, upon the Mississippi, on the neck of land just above the mouth of the Missouri. It was a great assemblage of chiefs and warriors of many tribes. Governor Clark, Governor Edwards, of Illinois Territory, and Auguste Chouteau, of St. Louis, were the Commissioners on the part of the United States. General Henry Dodge was present with a military force to preserve order and guard against surprises and disturbances. Treaties were made with twelve tribes, whose chiefs and warriors, one-hundred and twenty-four in all, signed their respective treaties. In each treaty, except that with the Sacs of Missouri river who had kept peace with the United States, it was agreed that "every injury or act of hostility by one or either of the contracting

parties shall be mutually forgiven and forgot, and there be perpetual peace and friendship between all the citizens of the United States and the individuals of each tribe." Several of the tribes had their hunting grounds in what is now Iowa. The Sacs of Missouri river and the Foxes assented to and confirmed the treaty of November 3, 1804, by which their lands east of the Mississippi were sold to the United States.

The Sacs of Rock river, meanwhile, remained hostile. Pains were taken to conciliate them. They were invited to send a deputation of their chiefs to meet the Commissioners. But they declined, and they continued their depredations upon the frontier settlements. Some warriors at Portage des Sioux offered to go and chastise them, but the United States "preferred their reclamation by peaceful measures," and awaited their return to a better mind. When Black Hawk first heard from the British commander at Prairie du Chien of the peace between England and America, that officer said that "Black Hawk cried like a child." Inveterate in his hostility to the American people, his heart was with the British. His band was known as the "British Band." The next year he changed his mind, and went with some of his chiefs and warriors to St. Louis, where they all signed a treaty in which they represented themselves as "now imploring mercy, having repented of their conduct, and anxious to return to peace and friendship with the United States." They also declared their "unconditional assent to the treaty of November 3, 1804." Here for the first time Black Hawk touched the goose quill, "not knowing," he said seventeen years afterwards, "that by the act he consented to give away his village." He asked, "What do we know of the laws and customs of the white people?"

The original plan of the government, from the days of Washington, to establish factories for the Indian trade, and employ its own agents, was now abandoned, and the trade was thrown open to individuals and companies under "regu-

lations," which were generally disregarded. John Jacob Astor bought the trading posts and fixtures of the British traders, and he and others formed companies and made great profits. The Indians were exploited, as before by British traders, whiskey and the white man's vices making havoc among them.

A steamboat first reached St. Louis on the second day of August, 1817. On the sixteenth of May, 1819, a steamboat first entered the Missouri river, and passed up to the mouth of Chariton river; later in the same year, the "Western Engineer," a Government steamboat, passed along the western shore of Iowa to the Council Bluff of that time. They were the heralds of an advancing civilization, of a new people in the wilderness. The Indians were astonished and astounded at them. An extension of military defences followed, high up the Mississippi at Fort Snelling, and on the Missouri at the Council Bluff, under the energetic action of John C. Calhoun, then Secretary of War. Additional treaties of peace and friendship were made with other Indian tribes. These things led to many new settlements in Missouri Territory. The population doubled in five years. There was a similar increase, though not as large, in the adjoining Territory of Illinois. In that Territory, though with less population than in the Territory of Missouri, the people, pursuant to an enabling act of Congress, organized a State government, and with a smaller population at the time than any other State before or since, the State of Illinois was admitted into the Union, December 3, 1818.

At the same time the people of Missouri Territory were equally desirous of a State government, and the Legislature sent a memorial to Congress on the subject.

It stated that the

population was little short of one-hundred thousand souls, was daily increasing with a rapidity almost unequalled, and that the Territorial limits were too extensive to admit of a convenient government. It asked for a division of those limits, and for authority to establish a State with the following boundaries: on the north, a line drawn due west from the mouth

of Rock river; on the east, the Mississippi river; on the south, a line beginning at the 36th degree of north latitude, thence in a direct line to the mouth of Black river, thence up White river to the parallel of 36° 30', thence with that parallel due west to a point from which a due north line will cross the Missouri river at the mouth of Wolf river; on the west, the said due north line.

The memorial added:

To a superficial observer these limits may seem extravagant, but attention to the topography of the country will show they are necessary. The districts of country that are fertile and susceptible of cultivation are small, and separated from each other at great distances by immense plains and barren tracts, which must for ages remain waste and uninhabited. These frontier settlements can only become important and respectable by being united, and one great object is the formation of an effectual barrier against Indian incursions, by pushing a strong settlement on the Little Platte to the west, and on the Des Moines to the north.

Soon after the presentation of this memorial to Congress, a bill to authorize the people of Missouri Territory to form a State government was introduced in the House of Representatives on the 13th of February, 1819, when a motion was made by James Tallmadge, Jr., of New York, to prohibit the further introduction of slaves into the proposed State, and give freedom to all children of slaves born there after the admission of the State into the Union, at the age of twenty-five years. Heated debates followed for several days. A few quotations from some of the speakers will show their different views. It should be remembered that the importation of slaves into the United States, though prohibited in 1808, was still carried on. John W. Taylor, of New York, said:

Cast your eye on that majestic river which gives name to the Territory, for the admission of which into the Union we are to provide. Contemplate the States hereafter to unfold their banners over this portion of America. Our votes will determine whether the high destinies of this region shall be fulfilled, or whether we shall defeat them by permitting slavery. I am not willing to declare the country west of the Mississippi a market for human flesh. In vain you enact laws against the importation of slaves, if you create an additional demand for them by opening the western world to their employment. While a negro man is bought in Africa for a few gewgaws, and sold in New Orleans for twelve or fifteen hundred dollars, unprincipled men will prosecute the traffic.

Thomas W. Cobb, of Georgia, said:

Could gentlemen suppose that the southern States would submit to a measure, which would exclude them from all enjoyment of the region that belonged equally to them as to the northern States? He ventured to assure them that they would not. The people of the slaveholding States know their rights, and will insist upon them. He might subject himself to ridicule for attempting a spirit of prophecy, but (turning to the author of the motion) he warned the advocates of this measure against the certain effects it must produce, destructive of the peace and harmony of the Union. They had kindled a fire which the waters of ocean could not put out, which only seas of blood could extinguish.

James Tallmadge said:

Language of this sort has no effect on me. If a dissolution of the Union must take place, let it be so. If civil war, which gentlemen so much threaten, must come, I can only say, let it come! My hold on life is probably as frail as that of any man who hears me, but while that hold lasts, it shall be devoted to the service of my country, to the freedom of man. The violence which gentlemen have resorted to will not move my purpose. I have the fortune and the honor to stand here as the representative of free men who know their rights, who have the spirit to maintain them. As their representative I will proclaim their hatred to slavery. Has slavery become a subject of so much feeling, of such delicacy, of such danger, that it cannot be discussed? Are we to be told of the dissolution of the Union, of civil war, and seas of blood? And yet with such threatenings, in the same breath, gentlemen insist on the encouragement of this evil, an evil threatening the civil and religious institutions of the country. If its power and its impending dangers have arrived at such a point that it is not safe to discuss it on this floor, what will be the result when it is spread through your wide domain? Its present aspect, and the violence of its supporters, so far from inducing me to yield to its progress, prompts me to resist its march. It must now be met, and the evil prevented.

Extend your views over your newly acquired territory, so far surpassing in extent your present limits that that country which gave birth to your nation hangs but as an appendage to the empire over which your Government is called to bear sway. Look down the long vista of futurity. See your empire, in advantageous situation without a parallel, occupying all the valuable part of the continent, inhabited by the hardy sons of American freemen, knowing their rights, inheriting the will to maintain them, owners of the soil on which they live, interested in the institutions which they labor to defend, with two oceans laving their shores, and bearing the commerce of your people. Compared to yours, the Governments of Europe dwindle into insignificance.

But reverse the scene. People this fair domain with the slaves of your planters. Spread slavery over your empire. You prepare its dissolution;

you turn its strength into weakness; you cherish a canker in your breast; you put poison in your bosom.

It has been urged that we should spread the evil rather than confine it to its present districts. Since we have been engaged in this debate, we have witnessed an elucidation of this argument, of bettering the condition of slaves by spreading them over the country. A trafficker in human flesh has passed the door of your Capitol on his way to the West, driving before him some fifteen victims of his power; the men handcuffed and chained to each other, the women and children marching in the rear, under the guidance of the driver's whip. Such has been the scene witnessed from the windows of Congress Hall, and viewed by the members who compose the legislative councils of republican America! This reasoning is fallacious. While slavery is permitted, the market will be supplied. Our extensive coast, and its contiguity to the West Indies, render the introduction of slaves easy. Our laws against it are highly penal; and yet it is a well known fact that about fourteen thousand slaves have been brought into our country this last year.

Henry Clay, of Kentucky, Speaker of the House, took part in the debate:

He denied the right to prohibit the carrying of slaves into Missouri, as in violation of the second section of the fourth article of the Constitution, which entitles "the citizens of each State to all the privileges and immunities of citizens of the several States." He charged the advocates of prohibition with being under the influence of negrophobia, proscribing the people of the South, cooping them up, preventing the extension of their population and wealth. He further said that the spread of slavery would cure or palliate its evils, that prohibition would be cruel to the slaves, leaving them to destruction in the old worn out States, instead of allowing them to share in the fat plenty of the new West.

In the Senate, Rufus King, of New York, maintained the Constitutional right and the duty of Congress to prohibit slavery in Missouri. Having been a member of the Convention which formed the Constitution, his words carried force and weight. Though spoken without heat or passion, they were "the signal guns" (said Thomas H. Benton) of the controversy which soon agitated the nation. Mr. King's speeches, delivered February 27, 1819, were not reported. He spoke from notes. By request, he published the substance of them in the following November. "This publication," said John Quincy Adams at the time, "has largely contributed to kindle the flames now raging through the

Union." "We never have observed so great a body of argument pressed into a smaller space," said Niles' Weekly Register. A brief resume may show the course of Mr. King's argument:

The Territory of Missouri belongs to the United States, and is subject to the government prescribed by Congress. The clause of the Constitution which gives this power to Congress is comprehensive and unambiguous.

The question respecting slavery in the old Thirteen States was decided before the adoption of the Constitution, which grants to Congress no power to change what had been settled. The slave States, therefore, are free to continue or abolish slavery. Since 1808, Congress has had power to prohibit, and has prohibited, the importation of slaves into the old States, and at all times has had power to prohibit such importation into a new State or Territory. Congress may, therefore, make it the condition of a new State, that slavery shall be prohibited therein. This construction of the Constitution is confirmed by the past decisions of Congress.

If Congress possess the power to exclude slavery from Missouri, it remains to be shown that they ought to do so. The motives for the admission of new States into the Union, are the extension of our principles of free government, the equalizing public burdens, and the consolidation of the Nation. Unless these objects are promoted by the admission of new States, no such admission can be justified.

The existence of slavery impairs industry, and the power of a people. When the manual labor of a country is performed by slaves, labor dishonors the hands of freemen. If Missouri is permitted to establish slavery, the security of the Union may be endangered, and other States that may be formed west of the Mississippi will extend slavery instead of freedom over that boundless region.

To secure to owners of property in slaves greater political power than is allowed to owners of other property, seems contrary to our theory of political rights. In a slave State five free persons have as much power in the choice of representatives to Congress, and in the appointment of presidential electors, as seven free persons in a State in which slavery does not exist. This disproportionate power and influence was conceded to the slave States, though with reluctance, as a necessary sacrifice to the establishment of the Constitution. It was a settlement between the Thirteen States, and faith and honor stand pledged not to disturb it; but the considerations which led to it, the common share of those States in the war of the Revolution, and in the effort "to form a more perfect union," were peculiar to that time and to those States, and not applicable to new States. Its extension would be unjust and odious, and the free States cannot be expected to consent to it, and we may hope the other States are too magnanimous to insist on it.


Freedom and slavery are the parties which this day stand before the

Senate, and upon its decision the empire of the one or the other will be established. If slavery be permitted in Missouri, what hope can be entertained that it will ever be prohibited in any of the new States that may be formed west of the Mississippi? If we can pass our original boundary without effecting the principles of our free governments, this can only be accomplished by vigilant attention to plant, cherish, and sustain the principles of liberty in the States that may be formed beyond our ancient limits.

A bill to authorize the people of Missouri to form a State government, and prohibiting the further introduction of slavery, passed the House of Representatives by a vote of 97 to 56, on the 16th of February. But in the Senate, after a long and animated debate in which Rufus King spoke as above, the clause prohibiting the further introduction of slavery was struck out by a vote of 22 to 16, on the 27th of February. After a conference of the two Houses, the Senate refused to concur in the prohibition of slavery, and the bill fell to the ground.

At the same time, a territorial government was established for the part of Missouri Territory south of 36° 30'. It was named Arkansaw. A motion to prohibit slavery in it failed in the House, 86 yeas, 90 nays, February 19th; and in the Senate, 14 yeas, 19 nays, March 1st. The Fifteenth Congress expired March 3d, 1819.

For many months the whole country was agitated with the question. The northern people called for a restriction upon the extension of slavery west of the Mississippi. Pennsylvania declared in its legislature, "that it was the boast of the people of that State that they were foremost in removing the pollution of slavery from amongst themselves, and that veneration for the founders of the Republic, and a regard for posterity, demanded a limit to the range of the evil." The legislatures of New York, New Jersey, Delaware, Ohio, and Indiana, joined in declarations to the same effect. Martin Van Buren was a member of the State Senate of New York, and voted to instruct the members of Congress from that State to oppose the admission into the Union of





any State from beyond the original boundary of the United States, without the prohibition of slavery therein. With prophetic foresight Rufus King said, "the entrance of slavery beyond the Mississippi will operate to the disadvantage and humiliation of the States where slavery is prohibited."\*

The southern States were equally positive on the other side. They claimed the right, under the Constitution, and under the treaty with France, to carry slaves into Missouri. Persons who had taken slaves there held public meetings in the Territory, and denied the right of Congress to interfere in the matter.

The question was resumed in the Sixteenth Congress. Many speeches were made. In the House, Charles Pinckney, of South Carolina, who had been a member, like Rufus King, of the Convention which framed the Constitution of the United States, defended the right to hold slaves, and spoke of the benefits of slavery. He commented on the Ordinance of 1787 as "chargeable with usurpation," and said that "the great body of slaves are happier in their present condition than they could be in any other, and the men who would attempt to give them freedom would be their enemies." By 93 to 84 votes, the House passed a bill in which the further introduction of slavery into Missouri was prohibited.

In the Senate, William Pinkney, of Maryland, made a speech of three hours in opposition to Rufus King's speech in the previous Congress. He spoke of the "restriction of slavery as dooming Missouri to inferiority, placing shackles upon her, putting the iron collar of servitude about her neck, instead of the civic crown of freedom upon her brows." The part of the speech which was reported occupies sixteen double-column pages in the *Abridgment of Debates in Congress*, vi. 435-450. Thomas H. Benton said: "The speech was the master effort of Mr. Pinkney's life, the most gorgeous ever delivered in the Senate, dazzling and over-

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\*Rufus King—*Life and Correspondence*, vi. 237.

powering." It concluded with the hope that the matter might be disposed of in a manner satisfactory to all by a prohibition of slavery in the territory north and west of Missouri. This was on the 15th of February, 1820. The following day Rufus King spoke for more than an hour in support of the House bill. He said: .

The principles set forth in the preamble to the Constitution, which proclaim the purpose of its establishment, are dishonored and violated in the extension of slavery into territory beyond the ancient limits of the United States. It seemed strange that the men of the free States were blind to this violation of the Constitution.

An amendment to the House bill was now proposed by Jesse B. Thomas, of Illinois, to prohibit slavery north and west of Missouri, as Mr. Pinkney had suggested. This was adopted the next day by 34 to 10 votes, Mr. King and Mr. Pinkney voting for it. The same day, upon the question of the admission of Missouri with slavery as part of a Compromise, Mr. King and seventeen other northern senators voted against such a Compromise, as did Nathaniel Macon, of North Carolina, and William Smith, of South Carolina, but for the opposite reason that the Compromise prohibited slavery north and west of Missouri. The two senators from Illinois, one from New Hampshire, and one from Rhode Island, joined with twenty southern senators in supporting both parts of the Compromise; the vote being 24 yeas, 20 nays.

After having mixed up Maine with Missouri in the matter, conditioning the admission of Maine upon the admission of Missouri, making the latter a rider to the former, and after renewed threats if slavery in Missouri was prohibited, and after a conference of the two Houses, the House of Representatives yielded. They struck out the prohibition of slavery in Missouri by a vote of 90 to 87, and adopted by a vote of 136 to 42 the Compromise made in the Senate.

It was on the 2d of March, 1820, that freedom gave way,

and slavery gained a political ascendancy which it held for forty years. The Compromise was conceived in the interest of slavery, but could not have carried without votes from the free States. In the House of Representatives, only five of the forty-two votes against it were from the north. "The northern members embraced and adopted it," said Mr. Calhoun. John Randolph called it "a dirty bargain," and its northern supporters who did not stand by their convictions, "dough-faces." President Monroe approved the Compromise bill, first taking the opinion of his cabinet, in which John Quincy Adams, Secretary of State, John C. Calhoun, Secretary of War, and the others all concurred, that Congress had a right to prohibit slavery in territory of the United States. Mr. Adams said that he favored the Compromise "from extreme unwillingness to put the Union at hazard." That was the overshadowing consideration with the northern members of Congress who voted for it, and with the northern people who acquiesced in it as closing an angry controversy, averting a civil war. In letters to friends Rufus King gave his views:

The Compromise is deceptive. The slave States, with recruits from senators and representatives of the free States, have carried the question. They have triumphed over us. We have been shamefully deserted in the House of Representatives. The result will be fatal. The pretended concession is of no value, a mere tub to the whale; for it is revocable at pleasure, and has been provided as an apology to members of the free States who have assisted in putting us under a government of the privileged order, henceforth to be our masters. Well, therefore, may we consider ourselves conquered, as is indeed our condition.

One State may be formed on the Mississippi that may be a free State; the country further west is a prairie resembling the steppes of Tartary, without wood or water except on the great River and its branches. Not only may the exclusion of slavery be repealed, but it is avowed that if the country should be settled, the restriction on the territory will not apply, and is not intended to apply to any new State, but that such State may establish slavery if it shall think proper to do so.\*

Similar views to those of Rufus King were taken more than thirty years afterward by Stephen A. Douglas in

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\*Rufus King—Life and Correspondence, vi. 287-288.

breaking down the Missouri Compromise, and eighty years afterward by the president of the College at Princeton, New Jersey, who says:

With Missouri a slave State, slavery, which was of the fixed and accepted order of society in the south, and the foundation of her aristocratic system, got a new hold, and enjoyed a new reason for being.†

Congress refused to the State of Missouri the boundary line, drawn west from the mouth of Rock river, and reduced it to the parallel which passes from the western border of the State through the rapids of the river Des Moines to the river Des Moines, thence down said river to the Mississippi. Senator William A. Trimble, of Ohio, speaking from personal knowledge of the valley of the Des Moines, advocated giving that fine valley to the State which should hereafter be formed north of Missouri. Congress also reduced the western boundary of the State from a line drawn at the mouth of Wolf river to one passing through the mouth of Kansas river.

Pursuant to an enabling act of Congress, representatives of the people of Missouri met in a Convention, and formed a State constitution. Henry Dodge, of St. Genevieve county, was a member of the Convention. The Constitution made it the duty of the legislature to "pass laws to prevent free negroes and mulattoes from coming to and settling in the State." Inasmuch as in some States persons of color were citizens, this contravened the Constitution of the United States, which "entitles citizens of each State to all the privileges and immunities of citizens in the several States." Consequently, when application was made for the admission of Missouri into the Union, this contravention of the Constitution of the United States stood in the way. After heated debates in both Houses, Henry Clay, Speaker of the House, by what was deemed a master stroke of policy, brought on an arrangement that conditioned the admission of Missouri into the Union upon the declaration

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†Woodrow Wilson. *A History of the American People*, ii. 252.

of a Solemn Public Act by its legislature, that no law shall ever be passed by which any citizen of any State shall be excluded from the privileges and immunities to which he is entitled under the Constitution of the United States. The legislature did as required, and transmitted a copy of the Solemn Public Act to President Monroe, whereupon, pursuant to a law made for the case, he announced by proclamation the admission of the State into the Union, August 12th, 1821.

Thirty-three years later, March 3d, 1854, Stephen A. Douglas, of Illinois, in the Senate of the United States, called that action of the legislature of Missouri "a burlesque, the richest specimen of irony and sarcasm ever incorporated into a Solemn Public Act." Sixty-seven years later, a Missouri historian called it a "farce" and "absurdity" done with "commendable alacrity."\*

After an existence of eight years the form of government called the Territory of Missouri gave way, one part to the Arkansas Territory, one part to the State of Missouri, the remainder, the vast region north to the British line and west to the Rocky Mountains, lapsing into its aboriginal condition.

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\*Lucien Carr—*Missouri a Bone of Contention*, p. 150.

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THE DAYS pass on, and the old controversies and animosities die with them; but while remembrance lasts there lasts, too—or rather comes in the years of change—a fondness for those with whom we have measured swords, and gave and took the lusty blows of youth. Friends and enemies, are they not really the same? Shall we not know them as such in the days to come? At all events, the shaping of our lives is due in equal measure to foe and friend.—*Harry Quilter, in Chambers' Journal.*

## FRONTIER CHURCH GOING—1837.

BY GEORGE C. DUFFIELD.

James Duffield's family was strictly Presbyterian. Husband and wife were born, reared and married in Pennsylvania, in the thick of that religious excitement which carried away the country under the leadership of Lorenzo Dow and Peter Cartwright. The wonderful things accomplished by these men, and the remarkable experiences of their converts, some of whom were the neighbors of the Duffields, were the usual subjects of the conversation I first remember. Father was by training and temperament rather indifferent, until a time later than that of which I speak, 1837 to 1842. Such, however, was the family conviction that each felt less fear of wild beast or savage than he might encounter somewhere in the woods, than of a personal devil or a real lake of fire. So, scarcely had the family become fixed in its new cabin home, when it sought public spiritual intercourse. The settling of five or six families on the west side of the Des Moines river in 1837, supplied the numbers, and the common enthusiasm aided the religious spirit from which came an earnest concentrated movement toward an assemblage for public worship. The essential elements lacking were a minister, and a building. A friend visiting Samuel Clayton, Hill by name, supplied the first of these wants, and as

The groves were God's first temples,

so in our neighborhood, in August, 1837, upon the right bank of the Des Moines river at the point touched first by the settlers, a few hundred yards above the mouth of Chequest creek, there was selected our "first temple", since known as "The old church tree." Since the land came into my possession from the Des Moines river improvement company, I have carefully preserved this tree as did Samuel Clayton who owned it first.



THE OLD CHURCH TREE.

This ancient elm still stands on the farm of George C. Duffield, of Van Buren county. Under its spreading branches was held, in August, 1837, the first religious services in Iowa Territory, west of the Des Moines river. The majestic stream of those days is seen in the background.



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And so, "It was given out" that there "would be meetin' at the comin' out of the ford Sabbath day next," and our family's preparation for and attendance at this meeting may be of interest.

Sunday was literally a day of rest. Provision against labor both within and without the cabin was always carefully made. The work of rail-making, chopping, deadening, grubbing, brush and log-heaping, persistently engaged in by father, two grown sons and two "chunks of boys," from morning till night even in August, was suspended Saturday morning. Father, taking old Ketch, the flint lock rifle, and the hunting knife, disappears into the woods. Mother has likely begun the clipping of boys' hair, with no less than five or six of them for her task. Fire wood, never supplied far in advance, is now provided for the extra occasion by some of the boys. Presently, at a distance the sharp crack of a rifle. Then a pow wow, as to whether it was father's. The dispute ends by referring the question to mother, who withholds her judgment knowing that another shot will afford a better chance to determine. Soon it came. Then another wrangle and wild gestures by way of expressing our belief that this last shot sounded like the first and that its direction was toward "the little bottom," or the "Cedar bluff." This clamor ends with another report and, mother having given us all the good that can come of such discussion, ends the controversy by saying definitely, not only whether it was father's rifle, but if not to whom it belonged. It is a remarkable truth that our rural citizens today no more clearly distinguish the tones of their own farm bells, or our city friends the peals from their own church steeples, than did the families of the settlers the reports of their several rifles. The different reports this morning tell that more than one family in the country is getting ready for Sunday, and when father came in, about noon, he had only done that which may have been done by each neighbor. Skill at that time was in the shooting rather than in the

finding of game, which was plenty. Within four or five miles and within a few hours, he had provided abundantly, bringing either a pheasant or a wild turkey. Hanging them on their proper pins on the north side of the cabin and the gun on the antlers over the mantel, he came out of doors and sat down to await his turn under the shears. He directs Jim and me to mount "old Jule" and go into the woods for the rest of the game. The skill developed by settlers in directing each other, and in following directions, through the pathless and unblazed woods now seems to me remarkable. Accustomed to the natural appearance of the woods, however, the settler's eye instantly detected anything out of the ordinary. A sharp sense of distance and direction was developed. So, on account of the hot weather, and these traits found even in the boys, father was more specific in urging haste than in describing our objective point. "Be peart, now," he would say. "Go up the creek bed from the big rock to the white clay bluff, up the ridge, around the hollow to the right, and between the dead elm pole in the opening north and the hanging jack oak limb I broke west of it; the deer is in the May apples." With the "big rock" as the only known mark, the rest was explicit, except as to distance, and this didn't matter. Two boys, a blind mare and a hound. Could they go into the woods from three to five miles and find a deer that had been hidden from wolf and Indian? Were they only to follow the general course, they could tell when within a few yards by the peculiar motion of old Jule's ears and nostrils. The exact spot was always pointed out by old Ketch stopping in his wide range through the woods to make a short circle and sniff among the May apples. He had helped to hide, and now he helped to find the deer. As the horns were "in the velvet" at this time of the year, father would skin out the head and leave it on the ground. The odor did not induce the greatest composure on old Jule's part, and if otherwise inclined to be quiet, the deer's hoofs gouged into her flanks by the boys

trying to lift it to her withers, would set her dancing. So by the time we had the deer and ourselves ready to ride back, the blue gray coat of the deer, the old mare's back and sides, and the clothing of the boys were all covered with gore. In winter the deer would have been hung up out of doors and removed piece by piece from the skin as needed by the family. But in August a different course must be pursued. So this Saturday, the heart and liver, likely, served respectively as supper and breakfast next morning. The rest of the carcass, cleaned and quartered, was hung on the shady side of the cabin. The fat from the entrails and other portions was carefully dressed out, and put into the big kettle out of doors. As quickly as convenient after father returned from the woods, boys were sent to the nearest neighbors to see whether any of the venison were needed. In almost incredible time these neighbors, if they wished the meat, appeared upon the scene, and took away their choice. If any boy messenger came this way to our house, it was the almost involuntary thought that his father had venison that would be wasted if we did not help use it. In such case old Jule was brought into use quickly, and the trail to the neighbor's taken forthwith. On arrival, each was given his selection from the proper number of cuts, the settler who provided it generously refusing to appropriate any part until all but his had been removed. And so father always returned this common favor; the time and task of procuring the game were compensated by his retaining the skin and the tallow, these often being more necessary than the flesh itself. If the venison was not all needed, then came the labor of curing the portions remaining. Long, thin, slender strips were cut, though the width did not matter much. There was a wooden beam across the top of the fire-place, supporting the front of the chimney in place of an arch. Large nails were driven into this from the inner side, so that the heads protruded several inches into the draft. On these nails, or on slender sticks suspend-

ed by strips of bark from the end nails in the beam described, would be hung these strips of venison. I have seen the upper two-thirds of that old fire-place draped with the fringe of flesh. On the hearth, much farther out than even the fore-stick usually lay, would be piled green hickory chips and chunks, and the heavy sluggish film of smoke slowly rose among the red strips, now drawing into and up the chimney, then weaving outward into the room and obscuring them, but always keeping off the flies. This, I supposed, was the only purpose of the process, for when the fire became low, the first thing we boys would hear about it would be from mother. "Boys, take care—the flies." Which meant that we must bestir ourselves for fuel. An awkward move might knock a piece or the whole row of pieces into the ashes; too much fire might scorch it. It made little difference. At the end of the process it was "jerk," and no jerk was bad. It was a universal necessity. Being proof against dirt, insect and water, it was the hunter's lunch; being right at hand where he had either to take it down or spit tobacco on it, it was refreshment for many a frontier beau; many a restless child during long sermons, was bribed with it into quiet, and babes cut their teeth upon it. Inside and out of the cabin, all has been a bustle. Some firing the tallow kettle, others dressing game, some doing one thing, some another, but not an idle minute for a single hand. The last of the special Saturday tasks was to clean the kettle and scrub the floor. The tallow rendered out, the kettle was partly filled with water, and a shovel of ashes put in. Boiling it, there was little more to do than to empty it to have the kettle clean. Then it was filled, the water heated, and with some more ashes and a hand shaved hickory broom the cabin floor underwent a dressing worthy of the name. Fragments and particles there often were, of bark, rotten wood, lint, worm casts and leaf mold in a settler's cabin, even in or on his food; but dirt never. It was annihilated Saturday afternoons. So was the use of stools or chairs for

any luckless barefoot boy who dared to "track up" that floor. While the women and children have been otherwise engaged, father has placed the fragment of a mirror as a chink between the logs out doors and with a great broad bladed razor, lather from home made soap and with a home made brush, proceeds to shave. This brush was his own handiwork. Hogs of that day supplied immense bristles. Selecting a handful of the best, their soft ends would be laid even, and with the fresh sinew of a deer, they would be wound and bound together from about two inches, back toward the butts. When done there was a good big sheaf of them made into a complete brush, with handle, and of great endurance. Strops were seldom other than of crude home made leather, and not fit to bring the razor to "an aidge." How many times this was only done by bringing the family bible into use. How many frontier bibles may be misread in days to come; their worn backs translated "piety" instead of "poverty." The evening closed over the settlement, with every hearth made ready for the first true Sabbath, the advent of church going on the frontier.

Breakfast at the same early hour, on cold corn pone instead of fritters usually, and deer liver broiled on the coals. A toilet completed on a scale never before attempted. That is, every one in the family was washed, combed, and dressed at the same time. This may be better understood when I say, first, that on this grand occasion not one wore buck skin, while never on week days, did less than three or four wear it. And I can add, too, to make the toilet better understood, that at or about this time the youngest three or four of us were habitually sent into the woods on the approach of strangers, because of the lack of garments on our forms. For months, one old musk-rat cap served the youngest three boys. The earliest riser wearing it, and the others going barehead. And on this dress (full dress) occasion, it is worth the trouble to describe the costumes. I can see them now. I could describe all but mother's. She then

dressed like her daughters and other pioneer women, but lived to don the best of wear, and grace it too. To deck her out in frontier style now seems a sacrilege. All the girls wore cotton gowns of the same stuff as their bonnets, and as the boys' shirts, the difference was such as only the inherent taste and skill of woman could devise from the means at hand. The fabric was bought in bolts, and was white, but after it underwent all the possible alterations of color to be obtained from the use of walnut bark and hulls, chamber lye, copperas, sumac, indigo and madder, each girl was furnished a separate hue, and each boy an appropriate color. The suit I wore I thought had ruined me, for the next day when I went in my soft buckskin breeches and white cotton shirt to the swimming hole, I found the color and perspiration of the day before had stained my skin, while the jeans had taken hold of my leather-polished legs like hooks of steel. Going to meeting all sat flat in the bottom of the wagon, except father and mother, who sat in chairs. The girls and younger boys all wore bonnets, and every bonnet was a golden crown. It seems to me every settler's bonnet was yellow. And when father, sitting upright, whip in hand, got the oxen under way, the waving, nodding bunch of bonnets looked indeed unique. Father's figure is to be described as a type of the settler, and is not unlike the popular representations of "Uncle Sam" in outline. A tall bell-crowned, black fur hat; a stock that kept his chin in air; a "dicky" hiding the flannel shirt front; coat and trousers of blue home-made jeans, and boots of great size and strength. And final mark of gala day attire, the fawn-skin "wescot" or vest. This, from the skin of the beautiful spotted fawns we killed, made a handsome addition to an otherwise appropriate costume (hardly, though, for the month of August). Out on the trail toward the ford, the oxen swing along in a really graceful, and not slow gait, keeping their heels out of the way of the wagon wheels going down one grade, and humping and squirming

under the lash going up the next. Finally, on the river bank, where other settlers have already congregated, father directs the oxen in and out among the trees merely with a "gee" and "haw," and at last into the edge of a walnut's shade. John unhitches the oxen from the wagon, and drives them, like those of the other settlers, into the woods. The yellow bonnets and blue jeans breeches each looks out for herself and himself, respectively. One thing, however, must be remarked. Father, all deference to mother in our cabin home, now leaves her after frontier fashion to look after herself and baby, not even lending her a hand down from the wagon. Mother passes the baby to Maria, who, with the boys, has sprung to the ground. She then goes toward the group of women under the tree, while the boys and girls scatter among the children of their age and acquaintance.

Presently the preacher, a Baptist, to which denomination the Claytons belonged, strode down toward the water's edge, and, turning toward the rising bank, took off his hat and laid it at his feet. In loud, clear, monotone, with slow movement and quaint inflection, he lines out:

Think O my soul! The dread - ful day  
When this in - cens - ed God—

chopping off the last word and "raising the tune" of Dunlap's creek. The women, in imitation, are just drawling out the sonorous "Gawd," when he strikes "rend" in

Shall *rend* the skies and burn the seas  
And fling his wrath a - broad!

What were, when he began, a number of scattered squads, now took the form of moving individuals. From the shady spots came the older men; from the wagons above the bank, and from the canoes which brought many from up, down and across the river, came younger men and boys all toward the white haired figure. The women who had sat bonneted beneath the tree, bared their heads. The elderly men walked down and sat apart from the women. Each one carefully selected his spot, composed himself as best he could, and

after a pause which was never omitted, and for which I could never account, slowly and deliberately removed his hat. This custom, indulged in by the younger men as well, of entering the congregation, taking seat, and awaiting the beginning of the service before baring the head, was common even in a much later day. This first service was, like all such events in a sparsely settled country, widely heralded and largely attended. There were perhaps a hundred people, including many Indians. These, after the settlers all took places, gathered, standing, around the edges of the crowd. With their blankets over their shoulders and heads bare, they were a picturesque feature of the crowd. This tree, by the way, may have been selected as the first meeting place, because of its familiar form and situation. It is certain that the Indians made it a common meeting place among themselves and with the settlers. It was beneath this tree, in citizens' clothes and with great stove pipe hat, that I last saw Black Hawk. He was lying asleep or drunk, in its shade, a party of his tribe having moored their canoes near by.

I do not know the text from which Mr. Hill preached, nor whether it had any relation whatever to his discourse. But I do remember his face and figure, and a part of what he said. I was filled with awe at the time. I had been somewhat frightened at different times, both from Indian and hunting stories, and from vague hints about perdition. I seldom pass that elm tree to this day, but that I unconsciously look at its roots as I did that day at Mr. Hill's direction when he screamed: "Oh sinner, Look! *Look!* (bending with hands nearly to the ground) while I take off the hatch of HELL!" and with his long bony finger and writhing body he pictured the tortures of the damned. He did this after so arranging matters that I was sure young people in general, and I, in particular, were but a few inches above the rotten ridge pole of the burning pit.

What a relief when he quit. After lining another well



known common meter hymn, those who had sat through his two hours of agony joined him in the song, and I caught my first idea of what gentle soothing music brings. This hymn, like a hundred others I have heard beneath that tree, and like thousands such as the settlers sang out doors in early times, might be described. Not the words—these are preserved. Not the notes—these are familiar. But what will not the future offer for a fragment of a frontier sacred chorus! But it may be sufficient to suggest that when the leader “raised the tune” he sang alone for half a line, then a voice or two near him took it up; led slowly by the leader and by others retarded, the volume was increased and the time delayed. The rear rank joined perhaps a full beat later, and every throat but the Indians’ poured its suppressed ardor on the air. An enlivening scene even to the red-skin, what was it to impressionable, sympathetic, ecstatic youth. I did not shout that day, but elsewhere, under the same influences I have many times seen the ground literally strewn with writhing, screaming penitents, strangling for relief. That great volume of discordant sound grew harmonious in a large sense, for it softened, rolled and echoed back from across the stream.

I know that the customs of those times, the style of dress and music have all passed away. I am thankful for the changes time has brought. But there is a matter I would like to know. Were we foolish, spiritual gluttons in that day, or are religious people now only finding crumbs beneath the table of the Lord?

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COL. GEORGE CROGHAN, the gallant defender of Ft. Stephenson, who has held the office of Inspector General of the U. S. Army, for the last eighteen years, passed up on the Ohio a few evenings since, on a visit of inspection to the N. W. military posts. The old fellow wore the flowers of health on his cheeks, and looked as though there were several good fights in him yet.—*The Bloomington Herald*, Sept. 8, 1843.

## VITAL STATISTICS.

BY JOSIAH FORREST KENNEDY, A. M., M. D.\*

Vital statistics are valuable from a genealogical, historical, sociological and scientific standpoint. The data embraced in such statistics differ in various states and countries. When the Iowa State Board of Health was created by the legislature in 1880, among other duties specified under the statute, it was required to supervise a registration of marriages, births and deaths occurring within the State. In some other states such statistics also embrace divorces.

Upon the organization of the State Board of Health, in accordance with the above requirement blanks were adopted requiring the following data:

### MARRIAGES.

Number of license; date of license; by whom affidavit was made; by whom consent to marriage was given; full name of groom; place of residence; occupation; age; place

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\*Josiah Forrest Kennedy was born in Perry county, Pa., Jan. 31, 1834. He removed with his parents to Blair county in the same State in 1840, where he attended the public schools and Williamsburg Academy, and afterwards Dickinson College, graduating in 1855. He spent some time in teaching as principal of Berrysburg Seminary and Boarding School. Later he entered Jefferson Medical College and the Medical Department of the University of New York. He graduated as M. D. in 1858, and the same year received the degree of A. M. from Dickinson. Coming to Iowa in the latter year he settled at Tipton, Cedar county, where he commenced the practice of his profession. At the outbreak of the civil war he was commissioned by Abraham Lincoln as Assistant Surgeon in the regular army, and stationed at Georgetown, D. C., where he had charge of five general hospitals. On account of disability he resigned from this position in the fall of 1862, returning to Tipton where he resumed the practice of his profession. He held the position of examining surgeon in the Pension Department for seven years, and upon the organization of the Medical Department of the State University in 1869 he was called to the chair of obstetrics. He resigned this position in 1870, removing to Des Moines, where he has since practiced his profession. He was secretary of the State Medical Society for seven years. In May, 1885, he was elected Secretary of the State Board of Health, which position he has held down to this time. The Iowa Health Bulletin has been under his editorial charge since its first issue sixteen years ago. Dr. Kennedy is a member of the American Medical Association, the American Public Health Association, the American Academy of Medicine, the National Conference of State and Provincial Boards of Health, and of the Iowa State Medical Society. He represented this State and the State Board of Health in the International Health Congress held in London in 1891. He has been a member of several civic and fraternal organizations and is the author of numerous papers upon medical and sanitary subjects.



Very Respectfully  
J. F. Kennedy

DR. J. F. KENNEDY,

Assistant Surgeon U. S. Army, 1861-2; Secretary of the State Medical Society, 1880-87;  
Secretary of the State Board of Health, 1885-1904; editor of the  
Iowa Health Bulletin, 1888-1904.



of birth; father's name; mother's maiden name; color; race and number of marriage; full name of bride; maiden name—if a widow; place of residence; age; place of birth; father's full name; mother's full maiden name; color; race and number of marriage; where and when married; by whom married—name and official position; witnesses; date of return of marriage and when registered.

The clerk of every county in the State has a copy of this blank form and is expected to enter therein the data called for, and the law requires him on or before the first day of June of each year to furnish a copy thereof to the Secretary of the State Board of Health, who as they are received, arranges them by counties alphabetically and has them substantially bound.

A moment's reflection will show the great value and importance of such a record from a domestic, social and legal, as well as historical standpoint, especially when it is considered that the original records have been destroyed in some of the counties from which they were sent to the office of the State Board of Health. It ought also to emphasize the importance of care and fidelity on the part of the respective county clerks in requiring all the data indicated to be furnished them and in making full and complete returns to the State Board of Health as the law directs. The fact is, however, that many of these items have been omitted from our reports by the county clerks and to that extent they are imperfect. The probability, however, is that the reports of marriages so far as number and names are concerned are approximately, if not absolutely, correct.

#### BIRTHS.

From 1880 until 1894 the physicians and midwives of the state were obliged, under a penalty of ten dollars for each neglect, to report within thirty days after their occurrence, to the clerk of the county in which they occurred, all births and deaths coming under their professional observation.

This requirement, though it may be somewhat humiliating to admit, was never very cordially approved by the medical profession, from the fact that it entailed a duty, and a labor in its performance, without any compensation. Because of this, some, and because of indifference, others, refused or neglected to comply with the law. The supreme court, however, in a case to test the constitutionality of the requirement, declared the law reasonable and constitutional—one that the physicians as members of a noble profession should cheerfully comply with.

The data required to be furnished by physicians and midwives in the case of births, embraced the following items: full name of child; sex; number of child by this mother; color; time of birth; place of birth; born in wedlock? yes or no; father's full name; age; occupation; and place of birth; mother's place of birth; age; maiden name and residence; name and address of medical or other attendant; returned by; date of return. As in the case of marriages and deaths, the county clerks are obliged to furnish to the Secretary of the State Board of Health, on or before the first day of June a report of all births occurring within their respective counties for the year ending with the thirty-first day of December immediately preceding.

Notwithstanding, however, the decision of the supreme court above referred to, and the professional obligations resting upon the physicians of the State to make these reports to the county clerks, from which only his returns could be copied, there were many who still neglected or refused to do so; and hence their patrons did not have the pleasure and the State and science lost the benefits to be derived from such records when faithfully reported, compiled and deposited in the archives of the respective counties and State. This neglect, however, does not lessen the value of those that are reported and are thus incorporated into the history of the State.

Because of the failure on the part of the physicians of

the State to faithfully report births and deaths, the legislature in 1894 relieved the physicians and midwives of this obligation, and so changed the law as to have these casualties collected by the assessors appointed by the county auditors, upon blanks furnished by the State Board of Health.

In order to render this task as easy as possible for the assessor the State Board of Health only required information as to the name of the child; sex; date of birth; place of birth; mother's full maiden name; and father's full name. It is to be regretted that the change in the method of collecting these statistics was not an improvement upon the former one. The assessors, though furnished with proper blanks, by the county auditors and paid and sworn to do their duty, neglected to do so in so many cases that the county clerks in a State Convention held in the city of Des Moines in the fall of 1901 unanimously declared the present law ineffective and recommended a return to the former one. The former law with a reasonable compensation for each complete return of a birth or death, and a sufficient penalty including the right and duty of the State Board of Medical Examiners to revoke the certificates of physicians convicted of neglecting or refusing to comply with the law, would secure, as they have in most of the eastern states, vital statistics so complete and reliable as to be valuable for historical, legal and sanitary purposes.

#### DEATHS.

The law relating to the reporting of deaths, prior to 1894 was the same as in the case of births. The data sought to be obtained were as follows: Name of deceased; nationality; sex; color; age and occupation; date, cause and place of death; social condition—single, married, widow or widower; place and date of burial and name of physician making the report.

After the law was changed so as to place the collection of these data in the hands of the assessors as above stated in the case of births, the data required were as follows: Full

name, sex, age, occupation, date when born; single, married, widow or widower; place of death; cause of death and place of burial. The same incompleteness obtained in regard to these data as in the case of births, and for the same reason.

Yet with all these defects, not in the facts reported, but because of the data not reported, the vital statistics thus collected, arranged and conveniently and substantially bound are invaluable to the State as exploiting important events in the personal history of persons who were born, married and who died in Iowa.

Births, marriages and deaths are important, if not the most important epochs in the life of any individual. There is a natural and commendable pride in the place of one's birth and surely to be born in Iowa is to be born well.

Reliable vital statistics, furnishing the data above suggested are of great value as a basis for sanitary operations. Such returns would not only show the relative proportion of deaths to births and of births to marriages and the ratio of increase of population by births and by immigration, respectively, but giving the causes of death in different localities would enable the State and local Boards of Health, where there is an apparent or real excess of deaths from any disease to ascertain the cause and to more intelligently adapt and apply remedies for its removal.

Every State should have a reliable bureau of information, especially relating to the personnel of its citizens and the vital statistics above detailed is the nearest and only approach to it in Iowa. Some interesting incidents might be given illustrating the advantages of such records. A gentleman came to this State from England some years ago, leaving his wife and family behind him. His wife heard from him for two or three years and then there came a lapse in the correspondence. The wife sought to get information in various ways and finally wrote to the secretary of the State Board of Health. She gave the name of the county from which he had last written. An examination of the



records in the office of the State Board of Health showed that in the county named a party corresponding to the name given had died, that he was a native of England, married, etc.; the date and cause of death; place of burial; and name of the attending physician. The facts were reported to the wife and a letter received from her later expressed her gratitude and appreciation at the information furnished, sad as it was.

There have been innumerable instances where parents have sought official information respecting the birth or death of their children and where parents have looked for a record of their marriage. In counties where the original records have been destroyed by fire or otherwise, the copies of these records deposited safely with the State are of inestimable advantage.

The foregoing is suggestive of what the State has aimed to do in the way of collecting vital statistics; what it has done; what it has failed to do and the cause of such failure as well as some of the benefits of such statistics. It also suggests the duty of the legislature to so amend our present law as to cure its defects and assure such a registration in the future as will reflect the intelligence of our people, and place our State on an equality with the most progressive States in the Union.

DES MOINES, IOWA, NOVEMBER 19, 1903.

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THE PRESENT has been one of the severest winters experienced since the first settlement of the west. *The Dubuque Express* of the 17th inst. says that, in the morning of that day, the mercury stood at 40 degrees below zero. At Galena on the 7th, it was 32 below zero. We have had colder weather, and a great deal more of it than in any of the thirteen winters we have spent in the west.—*Bloomington (Muscatine) Herald, Feb. 24, 1843.*

## AN IOWA PIONEER.

THE ANNALS OF IOWA is the Hall of Fame for the illustrious men of the State and especially for those who have had a hand in the making of the Commonwealth and the insuring of its glory.

Of the pioneers of civilization within our borders few have contributed more largely to its diffusion, fewer still have identified themselves more intimately with the formation of the State, and no one of them all loved the institutions of our country more deeply, or had keener foresight of our splendid successes, than Samuel Charles Mazzuchelli—priest of the Order of Saint Dominic, or of the Friar Preachers, as they were known in the old world. A little niche in the Court of THE ANNALS is all that is available at this time—and to fit it the beautiful Memoir, written by one of his spiritual daughters of St. Clara's College, must be cut down and shorn of its literary graces to embody the name and deservings of this scholarly, heroic and patriotic priest.—REV. B. C. LENEHAN.

Father Mazzuchelli was born in Milan, Italy, on the 4th of Nov., 1807, of a family whose records were old when Barbarossa razed the city walls and passed the plow over its foundations.

The upper classes of the Italians are devoted to the Bible—and the trait is shown in the choice of the Scriptural name of Samuel for the babe when presented for baptism—to which was added Charles, in honor of St. Charles Borromeo, patron of the city on whose Feast Day he was born. Italian parents of the higher classes are exceedingly vigilant in their home training and this child never set foot in the city alone, but under his father's watchful eye competent tutors opened his mind to a vast store of information, broad, solid, and brilliant, upon the riches of which he drew in after days.

Proud of the virtues, talents and acquirements of his favorite son, the father planned for him a brilliant future, and it was a bitter disappointment to him, when his boy, at the tender age of sixteen, asked permission to enter the Dominican Order. He yielded, finally, to the grave and manly youth, his affections giving way to his judgment, and the boy entered the Monastery at Faenza, at the age of seventeen, and was afterwards sent to the Mother House of the Order, Santa Sabina, at Rome.

Bishop Fenwich, first Bishop of Cincinnati, a Dominican himself, visiting Santa Sabina, the home of his own youth, and seeking young missionaries for the far west, was attract-



*Yours*

*Fr. Samuel Mazzuchelli C.S.*

FATHER SAMUEL CHARLES MAZZUCHELLI,  
Missionary Catholic Priest, architect and educator; founder of the St. Clara  
College, at Sinsinawa Mound, Wisconsin.

1875-1876

ed by the handsome and cultured young monk, who was glowing with zeal and ambition to labor with him in the wilds of the New World. Permission was obtained from his Superior. Pope Leo XII gave him every encouragement, with his fatherly blessing, and after a brief visit to his family home, he set out for Paris, to meet the Bishop. Urgent business had summoned Bishop Fenwich to the United States, and he left the young zealot to make his weary voyage of six weeks across the stormy seas alone. Arriving at New York City, Nov. 1, 1829, he found a long journey of 800 miles before him and he knew not a single word of English; but, fortunately, he fell in with a generous-hearted American gentleman, with whom he traveled to Cincinnati, where awaited him the loving father—Bishop Fenwich, whose zeal had fired his own, and to whom was given his loyal devotion that lasted while he lived. He at once set to work to learn our language, an easy task for one so gifted, and after Christmas, was sent to the Dominican House of studies in Kentucky. On his way, he was thrown upon the hospitality of the learned French exile Bishop Flaget, of Bardstown, Ky., a soul to whom his own was kin. Ordained priest Sept. 5, 1830, he was sent to that part of the Cincinnati diocese which embraced Michigan and Wisconsin and fixed his home at Mackinac Island—the center of the great trading posts of the entire northwest. There were five priests besides him in Michigan but these labored in the southern portion, the northern peninsula he was to share alone with the traders and the savages. His work and success among the rude peoples from his arrival—until the year 1843—are set forth in his admirable book, “*Memorie Istoriche*,” written to elicit help from his family and friends in Milan at his last visit home, in a manner uniquely his and inimitable. He never mentions his own name, nor uses the pronoun I throughout its pages, satisfying himself with the description—“The Missionary.” It was no assumption of humility, merely a natural self-oblivion, made more admir-

able by his hearty and delighted admiration of the men who came after him and largely shared the credit of his devotion.

Especially does his generous love and reverence for the early missionaries of other Orders arouse us strongly, because it is by no means common even among the excellent men who have labored here most abundantly. But his sincere and straightforward mind rejoiced in every good by whomsoever done, and enforced the principle on all he taught. The nearest approach to fault-finding we discover in his book is when he blames the Whites for the vices of his beloved Indians, and assures us that those tribes furthest from them were purer, gentler, and more easily converted to Christianity. Their simple virtues, their homes, their family ties, their joys and sorrows are mentioned with as much respectful sympathy, as if they were his own kinsfolk. His boyish hope of laying down his life for the faith among the Indians, was disappointed; for he won the hearts of his savage people.

The only martyrdom that awaited him, was that which falls to the lot of every man who lives in advance of his age; who seeing afar, with clarified vision, the good that all may reach if they would but try, struggles to grasp it for them, only to meet cold misunderstanding and ingratitude in return. Cold, hunger, hardship, and the miseries of savage life were nothing to him, though long after he acknowledged, shamefacedly enough, that the struggle was long and bitter before he could bring himself to eat their filthy food.

Those who love his memory will find these little things worthy of note when they remember that he was small of stature, of extremely delicate physique, slender, agile, rapid in motion; and unlike the typical Italian, of a fair, bright complexion, with a color in his cheek like a girl's that never faded till the end of his life. In 1833 coming down the Mississippi, after a voyage up the Fox and down the Wisconsin, on his way to St. Louis to see some brother priest, he found at the Dubuque Lead Mines a number of his own

race, more in need of him than were the poor Indians. They begged him to abide with them. His Bishop gave consent, the General of his Order approved, and he at once began the series of labors that eclipsed all that he had hitherto achieved.

He was almost ubiquitous. He built in Dubuque St. Raphael's Church, an imposing structure for those days, from designs of his own, the facsimile almost of the ancient Church in St. Augustine, Florida, and labored on its walls, setting stone and spreading mortar with the men, hurrying it to a finish that he might keep with his fellow citizens therein the first public observance of the Fourth of July. In Galena, where he was building at the same time the first church, again after his own designs, he displayed his skill as architect and draughtsman in the fine old court house of Jo Daviess County, which stands to this day. At Davenport he secured for the church, from Antoine Le Claire, the splendid property they still enjoy, and built his combination school, church and house, and kept school himself for the children of the settlers. Among them was that most celebrated jurist of our day, Hon. John F. Dillon, of New York. Every river town was a field for similar work, and church and school rose together. Burlington, the first seat of Iowa territorial government, found him among the pioneers, in his little church, chaplain to the legislature gathered there, as he had been also to the territorial legislature of Wisconsin.

The State House was to be erected in the new capital, Iowa City. Father Mazzuchelli drew the plans for it, and laid off the streets of the new city. He used to laugh, in his own happy-hearted way, at the circumstance of his apparent claim upon two nationalities and two names—Irish and Italian. His own long musical name—Mazzuchelli—was often with western brevity made over into Kelley, and Matthew Kelley. The writer recalls one of the old Wisconsin converts, who used to boast pompously of "my dear old

friend Father Matthew Samuel Kelley," and much of his own work is said to have been inscribed to Father Kelley. This was matter of merry laughter to him: if good were done, it was of no importance to him, to whom it was accredited. Throughout Iowa, on the east, and as far west as the Iowa City line; in Wisconsin as far east as Green Bay, where the tablet to him in the old church was lately carelessly lost in the removal of the building and in Northern Illinois, churches and school houses rose under his hand, and memories are rich among the old people, of the devoted young Italian, who labored with them and for them so long and so lovingly. At least twenty churches, between St. Louis and St. Paul is the estimate of a brother priest who knew him well in the early days.

His mode of travel was by saddle, by canoe, and afoot, from mission to mission, school to school, from the house of sickness to the house of death; celebrating Mass, administering the sacraments, planning, working, planting, draughting, lecturing. With his radiant face, bright manner, and tender sympathy for every ill, and his love for little children, his kindly interest in every one, even the roughest and most uncouth of the mixed population of a new country, he pouring out the rich resources of his cultured mind, upon poor and rich, the illiterate and the educated, without distinction. All loved him and met him on common ground as is always the case when a great and richly dowered soul gives itself to others without thought of self. The trappers and miners and planters used to wonder how he made them forget to be hungry or tired, in their readiness and eagerness to carry out his purposes.

Higher education owns him as an apostle. Gen. George W. Jones had obtained a splendid tract of land in southwestern Wisconsin from the general government for his services in the Black Hawk war. Of this Sinsinawa Mound was a notable feature. Father Samuel came riding by and stayed as the General's guest. The artist soul of the



Dominican took in the commanding beauty of the spot, and he said to his host, "Science and religion alone are worthy of this noble hill." The owner was moved by his earnestness and agreed to sell it; the contract was closed.

Father Mazzuchelli started at once for Milan to secure the necessary funds. His own rich patrimony had been long since built into every church and school in the northwest and treasured in the hands of the Lord's poor. Returning speedily he built the noble old College of Sinsinawa Mound from which many distinguished men have gone out into the business and professional world, among whom is Ex-Senator Thomas A. Power, of Montana, and also many eminent and faithful clergymen. This institution he endowed; had it incorporated, and provided with a faculty of professors of which he was himself the first president. Before the war, it numbered among its students young men from New Orleans and from Mexico, so widely known was the remarkable man who founded it.

In 1847 he organized the Community of Dominican Sisters for the purpose of carrying on his numerous parish schools. The foundations were deeply and wisely laid, and to-day the admirable Order conducts the St. Clara College which the successor of Sinsinawa Mound College affiliated with the Catholic University for the higher education of young women, where noble buildings emphasize the romantic beauty of the landscape.

In the awful cholera year of 1850, the plague spread all over the southwestern section of Wisconsin, and his labors for the sufferers were commensurate with the ravages of the epidemic. He introduced the first scientific apparatus in the northwest, much of which is still in use, and his children of St. Clara preserve with devotion the electrical machine made by himself for the teaching of his first corps of teachers, and Father Samuel, as they loved to call him, rules St. Clara still. His mode of government, his free bright spirit, his large-minded patriotism, his love of freedom and devo-

tion to the Republic, all are there living and acting; the outgrowth of the seed he planted, the perpetuation of his own principle. During the memorable events of 1863 he endured an unusual strain; sick calls night and day almost without intermission through the straggling country parishes, over almost impassable roads, sapped his strength.

One bitter night he spent laboring from one death bed to another, and dawn overtook him creeping to his poor little cottage, no fire, no light, for he kept no servant, and benumbed and exhausted, he was glad to seek some rest. When morning came, unable to rise, they found him stricken with pneumonia, and in a few days his hardships were at an end forever. He who had served the dying in fever-haunted wigwams, in crowded pest houses, in the mines, and on the river, added this last sacrifice to the works of his devoted life. He died without the consolations of his brother priest, at four o'clock of the morning of February 23, 1864.

Of gentle birth and training, a plain, simple gentleman, a democrat, an American of the Americans, unused to toil or hardship, insatiable of work, irresistible in prosecution, of a capacity to lead men, to direct them, to rule them, he was ambitious to gain their love and confidence only to teach them the Gospel, to soften their manners, to mould their hearts, to improve their minds, to humanize, to civilize, to christianize them. He lived what he taught. He worked out what he believed, and he made us the inheritors of the treasures of his learning. May all Iowa men and women learn to love the memory of Father Mazzuchelli.





*Good old friend  
John Plumbé,*

JOHN PLUMBÉ,

Pioneer resident of Dubuque, Iowa; civil engineer and originator of the project to build a railroad to the Pacific Ocean.

## JOHN PLUMBE, ORIGINATOR OF THE PACIFIC RAILROAD.

BY HON. JOHN KING.\*

Several statements have appeared in the New York, San Francisco and Dubuque newspapers within three months on the question as to who was the original projector of a railroad from the Atlantic to the Pacific Ocean. Mr. Whitney, Mr. Carver and several others have been named as the first men who laid before the public the plan and the route by which the work has since been almost completed.

I wish to give my testimony on the subject and in behalf of the memory of one of the early citizens of Dubuque—John Plumbé. Mr. Plumbé came to Dubuque in 1836, and from that time until after 1840, he devoted a part of his time and considerable money to his cherished purpose of proving that the policy, on the part of the Government, of using a portion of the public domain, of the apparently valueless lands, for the construction of railroads, was the true system of developing the Northwestern States and Territories, and extending civilization to the Rocky Mountains and beyond them.

To those who did not know John Plumbé, I will say that he was a well educated man and a ready writer; that when he came to Dubuque he was an able correspondent of the leading newspapers in New York, Boston, Philadelphia, Baltimore, Washington, Cincinnati and St. Louis; that I have recently examined, in print, the articles from his pen,

\*John King was born in Shepardstown, Va., in 1803; he died in Dubuque, Iowa, Feb. 13, 1871. He was the editor and proprietor of *The Dubuque Visitor*, the first newspaper printed in the territory of Iowa, the initial number of which appeared on the 11th day of May, 1836. The first volume of this pioneer paper is now the property of the Historical Department of Iowa, where it is frequently consulted by students of the history of the times of its publication. After retiring from the newspaper business Judge King continued to write for the local press down to his last illness. The accompanying tribute from his pen to the memory of John Plumbé, with whom originated the idea of a railroad to the Pacific, appeared in the columns of *The Dubuque Daily Times* in the month of January, 1869.

addressed to the papers in the cities named, advocating the building of a railroad from the great lakes to the Mississippi and to Oregon, as an extension of the railroads then commenced westward from the Atlantic coast. I have also carefully examined the volumes of his diary of 1836-7-8-9 and 1840, and find the dates of his personal memoranda to correspond with the printed facts of his newspaper communications and of his memorials to Congress on the same subject in those years.

The first preliminary survey for a railroad from Lake Michigan westward was made by him and mostly at his own expense—a route from Milwaukee to the Mississippi, near Dubuque. He also devoted months of time in the eastern cities trying to convince capitalists and politicians that the great West would soon be the field of the most rapid development, and that all the general government might do to hasten settlements and civilization would soon be repaid a hundred fold by the general prosperity of the whole country.

Mr. Plumbe might have been a little premature, in originating the magnificent conception at so early a day, for the public mind did not seem quite prepared for it, it being too extensive and vast in its proportions, for the majority to regard it favorably. Several citizens of Dubuque, however, with more liberal and expanded views, such as Hon. Geo. W. Jones, Charles Corkery, Dr. Timothy Mason, C. H. Booth, Dr. Lurton, F. Gehon, Dr. Finley, T. S. Wilson, the Langworthy Brothers and others, regarded his ideas with favor and true appreciation, and did all in their power in the furtherance of the grand project.

As an intimate friend of Mr. Plumbe, knowing that he justly deserves the full credit of being the earliest advocate of this now highly popular and national enterprise, one of the grandest of the 19th century, or indeed of any other age, in its probable results, I respectfully present the facts in the case.

When Mr. Plumbe began to agitate this question in

1836, the new Territory of Wisconsin in that early day, was considered the Ultima Thule of civilization, but which to an enterprising and energetic mind like his, afforded a wider scope for action than the more contracted field of the older States. In that year, upon seeing the beautiful and almost level prairies of the great West contrasting so strongly with the rugged and difficult surface of the Eastern States, as to the facility for the construction of railroads, his mind at once realized and grasped the idea of the comparative ease of carrying a railroad line across their fertile expanses, between the great lakes and the Mississippi river, to be followed by the extensions to the Missouri and eventually to reach the Pacific Ocean.

This idea he freely and fully canvassed among his friends. And in the winter of 1836-7 I attended a private meeting called by Mr. Plumbé to discuss the railroad question. It was held in a frame building owned at that time by Geo. Strasser, on the west side of Main street, now the property of Mr. Ruff, No. 144. At that meeting Mr. Plumbé advocated, in a conversational way, the feasibility of the construction of a railroad from Milwaukee to Dubuque, as a link by which the lakes would be connected with the Mississippi, and that every successive mile added to the work would be made available as fast as completed. A gentleman who was present subsequently remarked that the project was wild and visionary in the extreme and was but the dream of an enthusiast. In 1837 a more public meeting was called and a speech made on the occasion by Mr. Plumbé. There are several persons now living in Dubuque, besides the writer who were present and participated in the proceedings.

In 1838 he brought forward the idea of an "Oregon Railroad" more forcibly and formally before the public by a personal call for a grand meeting to discuss the subject, which appeared in the "Iowa News," (the successor of the "Visitor,") March 24, 1838. The meeting was accordingly

held on the 31st of the same month, at which meeting he warmly urged some of its many claims upon the attention of the country.

Resolutions were unanimously adopted at that meeting asking Congress to appropriate funds for the survey and location of the "first permanent link in the great chain of direct steam communication between the extreme east and the far west, which the determined spirit of American enterprise has decreed shall speedily connect the waters of our two opposite oceans." (See original memorial as drawn by John Plumbe, and also one complimentary to the energetic delegate at the time in Congress, Hon. Geo. W. Jones, urging his active co-operation in the matter.) This application to Congress, through the efforts of the delegate, assisted by Senator Linn and others, who took a lively interest in the project, was favorably responded to by an appropriation, expended under the direction of the Secretary of War in making the survey—the report of the engineer in charge being of the most encouraging character. This line was from Milwaukee to Dubuque.

During the winter of 1839-40, Mr. Plumbe drafted a memorial to Congress urging the importance of continuing the work so auspiciously commenced, which was adopted by the Wisconsin Legislature and then immediately taken by him to Washington, and through the friends of the measure it was urged upon Congress; but owing to the state of the treasury and other pressing subjects then before the government, the application failed of success. The great gold development on the Pacific had not yet occurred, and consequently public sentiment could not yet grasp the bold idea of a continental railroad. In the three succeeding winters of 1841, '42 and '43, he spent much of his time in Washington, watching the progress of events, as connected with his favorite project.

In January, 1847, he wrote and had printed an address, in pamphlet form, and sent a copy to each member of Con-



gress, urging the importance of setting forth the claims which an early construction of a Railroad to Oregon had upon the public interest and welfare.

On the 26th of March 1847 (the ninth anniversary of the first formal public meeting) a large and respectable number of citizens of Dubuque convened at the Waples House, now the Julien, on which occasion C. H. Booth, Esq., was called to the chair, and Dr. T. Mason was appointed Secretary. At this meeting resolutions were adopted, one of them as follows:

*Resolved*, Unanimously, that this meeting regards John Plumbe, Esq., as the original projector of the great Oregon Railroad.

On this occasion Mr. Plumbe delivered an able address to those assembled, of considerable length, on the subject, which was highly extollèd, and by resolution of the meeting, 5,000 copies of the same were ordered to be printed in pamphlet form, for distribution. He further delivered, in that year, several lectures on the same subject, at Galena, and Bloomington, Ill., Burlington, Iowa, and at various other points in the West at all of which places meetings were held and strong resolutions were adopted in favor of the great enterprise.

In the spring of 1849 Mr. Plumbe crossed the plains by way of the South Pass to California, just then the great center of interest. It required nearly a six month's trip, which enabled him to make a very accurate and interesting reconnoissance in reference to a practicable route for a railroad, which his engineering qualifications enabled him to do very satisfactorily; upon which point he has left ample testimony in his voluminous notes and data of the route. His brother, Richard Plumbe, Esq., residing at Plumbeola in this county, and C. Childs, Esq., of this city, have in their possession copies of many of the original articles, published by him in the various public prints of the country at different periods before 1845, all bearing on his favorite object; but only a small portion of them have been preserved, of

the hundreds of that character, emanating from his prolific pen.

The writer is well aware that there are many who claim to have been the originators of the idea of a railroad communication with the Pacific. Among them Dr. H. Carver, Hon. T. H. Benton, Asa Whitney, Wilkes & Co., Degrand and his associates, and probably others; but upon a critical reference to dates and memoranda of their claims, which are all on record, and can be consulted by those who feel an interest in the matter, it is plain to every candid and unbiased mind, that they generally date long subsequent to the inception of the idea by John Plumbe, and also essentially lack as to having been put in any tangible form or shape, as he had so clearly done, at the very outset, and of which, as has been shown by undisputed proof, existing in the published records of the press in the city of Dubuque, and elsewhere, as well as in the memory of living witnesses.

John Plumbe was born in Wales, England, July, 1809, and migrated with the family to the United States in 1821. After receiving a finished education, he early embraced railroad matters. In the years 1831 and '32 he became an assistant under that able and popular R. R. engineer, Moncure Robinson, Esq., of Richmond, Va., in surveying and locating a very difficult route for a track across the Allegheny Mountains, to connect the vast coal and lumber regions of Western Pennsylvania with a canal and railroad system at a point in Huntingdon county, in that state. After a successful termination of this work, he accompanied his principal, Mr. Robinson, to Virginia, in 1832, and through his recommendation was appointed superintendent and manager at its southern extremity of the line of railroad between Richmond and Petersburg, and the termination, at that day, on the Roanoke, in North Carolina, which commanded a very heavy produce and passenger transportation, mails, etc. This line was the earliest railroad enterprise in the States of Virginia and North Carolina.

After discharging the duties of this responsible position for several years, to the entire satisfaction of his employers, we find him turning his face, in 1836, toward the then new and almost unknown Territory of Wisconsin, then including Iowa, and employing his talents and energy as above stated.

His brother, Richard Plumbe, is a quiet, unassuming gentleman, of a highly cultivated mind, and is proficient in railroad matters. He was superintendent for a number of years of one of the most prosperous of the railroads in the Southern States. By his integrity to his employers and his genial disposition to the travelling public, he was popular with all classes.

While John Plumbe was in California during the years of 1850, '51, '52, '53, and '54, he agitated his favorite project by every means in his power; by public meetings and publishing articles on the subject. Thus, up to his death, caused by depression of spirits, acting on a very susceptible mind and nature, he had never relaxed a particle of his fervor and interest in this great undertaking, which cost him and his brother Richard very largely, in a pecuniary point of view, in furtherance of the idea of a Pacific railroad. Indeed, Mr. John Plumbe spent a considerable portion of his life and time in the project, without ever receiving one cent of recompense in any shape or form, not even the recognition of his just right, as originator of this now great national enterprise.

John Plumbe was a very modest man. Even when Whitney succeeded, about 1845-6, in making a part of the public believe that he originated the idea referred to, Mr. Plumbe made no effort to correct the false impression. To John Plumbe and to Dubuque is due the honor and credit of originating and persistently advocating the great Pacific Railroad policy, years before the subject was taken up by Whitney or any one else.

In fact, Whitney was in Europe when Plumbe was devoting the prime of his life to this great enterprise. Whit-

ney did not begin his agitation of the question until Plumb had written and spoken volumes on the subject, and labored for it nearly ten years. The main reason why John Plumb was not widely known as the ablest writer in the West, on Western interests and Western railroads, was because all his communications were published *incog*.

The only book he ever published was entitled "Sketches of Iowa and Wisconsin," published in St. Louis in 1839, illustrated by a map of all the then settled part of Iowa. The total population of the Territory was then less than that of Dubuque city at present.

Pardon the writer for thus trespassing on your valuable space. Being aware that considerable interest has been manifested in many portions of the United States as to the question of who the originator of a railroad to the Pacific really was, and at the same time it certainly being honorable to Dubuque, as a city, that one of her worthy early citizens should be truthfully and satisfactorily represented as being justly entitled to the credit; and, besides, feeling an earnest desire to pay a humble though just tribute to the memory of a dear friend—all make the excuse of the writer.

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IN THE LONG RUN, then, it depends upon us ourselves, upon us the people as a whole, whether this government is or is not to stand in the future as it has stood in the past, and my faith that it will show no falling off is based upon my faith in the character of our average citizenship. The one supreme duty is to try to keep this average high. To this end it is well to keep alive the memory of those men who are fit to serve as examples of what is loftiest and best in American citizenship.—*President Theodore Roosevelt, at the Dedication of the Sherman Monument.*

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## USE OF BLOCK-HOUSES DURING THE CIVIL WAR.

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BY MAJ. GEN. GRENVILLE M. DODGE.

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I was greatly interested in the communication of Captain Joubert Reitz, published in your journal March 21, 1903, giving a description of the block-house system inaugurated by General Kitchener in the Transvaal War. It was a continuous line of block-houses connected by barbed wire, to prevent the Boers crossing the railway lines, and virtually corraling their forces in certain districts until want of food forced them to surrender. Captain Reitz asserts that the block-house system did more to end the war than the whole British Army.

In the Civil War our block-house system was just as effective, but in another direction. We used it for the purpose of protecting our lines of communication, not as a trocha, or a line connected with wire fencing and other obstructions, as used by the British and by the Spaniards in the Cuban War. The British built theirs of bags filled with earth. The Spaniards erected neat structures of two stories, built of concrete, with wooden roofs and openings for two lines of fire, one above the other. These were erected not more than half a mile apart. In the Civil War our block-houses were usually erected of logs, one and two stories high. The face of the upper story had an angle of forty-five degrees to the face of the first story, thus concentrating a direct fire upon an enemy approaching from any point of the compass. The first block-houses in the West that I know of were built by my command in July and August, 1862, when it rebuilt the Mobile and Ohio Railroad from Columbus to Humboldt. There were many important bridges on this line, and we built block-houses at the most important ones, and stockades at the others.

In December, 1862, when Van Dorn, Forrest and Jackson

made the noted raid into West Tennessee, and defeated Grant's first Vicksburg campaign by the capture of Holly Springs, Mississippi, the forces at all these structures held their positions, and defeated the enemy when attacked, while at the bridges between Jackson, Tennessee, and Grand Junction, where they had only earth defences, the forces were driven away or captured. The result of this was that General Grant issued an order commending the action of the detachments that were successful, stating that wherever they stood success followed, and the enemy suffered a loss in killed and wounded greater than the garrisons of the block-houses and stockades. This result also caused General Grant to issue an order to build block-houses and stockades on the line of the Memphis and Charleston Railway at all important bridges from Memphis to Corinth, and they protected this line of communication until it was abandoned.

The block-houses held about a company, but sometimes stockades or earth intrenchments were added to hold two companies, and our orders were imperative to all forces occupying them never to leave them or surrender, no matter how large the attacking force. My first order stated that a company in a block-house or stockade was equal to a regiment attacking, and I do not remember the enemy, in their numerous raids, ever capturing one that was defended, up to the time I left Corinth in the summer of 1863. After the battle of Chattanooga, when our armies were lying along the line of the railway from Nashville to Decatur and Nashville to Stevenson, I rebuilt the Nashville and Decatur Railway, on which there were at least thirty important bridges, at each of which we built strong block-houses and stockades, and the enemy never captured one of them, though in two instances they were attacked with a brigade, and often with two regiments and batteries. We protected against artillery fire by throwing up earthworks to the height of the first line of fire, taking the chance of any damage being done above that. Our orders here were when Forrest, Roddy and

Hannan attacked this line to hold the posts under any and all circumstances, stating that if they stayed in the block-houses and stockades nothing could defeat them, and so it proved. Where these forces struck a regiment, and captured it in earthworks, they went twelve miles north to the Sulphur Trestle, a bridge one hundred and twenty-five feet high, defended by two companies in a block-house and stockade, and were signally defeated. The Army of the Cumberland protected the line from Nashville to Stevenson, and on to Chattanooga, with block-houses at all bridges and important points, and when on the 5th of May, 1864, General Sherman started on the Atlanta campaign, General Hooker reports on April 23, 1864, that he detailed 1,460 men to occupy block-houses from Nashville to Chattanooga, and this force held that line of road throughout the campaign, though many attempts were made to destroy it. During the Atlanta campaign as we advanced the railway was rebuilt, and all bridges and stations had block-houses or stockades to protect them.

General Green B. Raum's brigade was located at some of the most important structures. General Wheeler, with all of Johnston's Cavalry force and several batteries, endeavored to destroy this, our only line of communication for transporting supplies. General Raum's story is so to the point that I quote it almost entire. He says:

My experiences with block-houses extended from May to November, 1864, on the Memphis and Charleston Railroad, and the Chattanooga and Atlanta Railroad. Block-houses were built along these railroads exclusively for the protection of bridges. They were built of heavy square timbers, sometimes with two or three thicknesses of timber, and were of various sizes. I had a two-story block-house built at Mud Creek, east of Scottsboro, Ala.; it would easily hold 100 men. These houses were carefully pierced with loop holes, so that the garrison could cover every approach. My garrisons were usually too large for the block-houses. In these cases I threw up an earthwork, and protected it with abatis. The Confederate forces soon learned to respect a block-house. I found it to be an absolute defence against musketry.

During the Atlanta campaign our block-houses were constantly attacked by raiding parties; small and great trains would be thrown from

the track and burned, and small sections of the track destroyed. About July 5, 1864, an enterprising Confederate cavalryman with about 300 men made a rapid march up Dirt Town Valley, crossed the Chattanooga range by a bridle path, threw a train of 15 loaded cars off the track, burned them and destroyed a small section of the track, but he did not attempt to destroy the bridge near by at Tilton—it was defended by a block-house with a capacity for seventy men.

When General Wheeler made his great raid north in August, 1864, he struck the railroad at various places. He destroyed two miles of track immediately south of Tilton, Ga., but did not come within range of the block-house, and did not attempt to destroy the bridge defended by the block-house. During this raid General Wheeler, without hesitation, attacked and carried a part of the works at Dalton. During the Atlanta campaign there was not a bridge destroyed by the Confederates between Nashville and Atlanta which was protected by a block-house.

After the fall of Atlanta, General Hood moved with his entire army against the Chattanooga and Atlanta Railroad, destroying 37 miles of track. On October 12 he struck the railroad at Resaca and Tilton. Tilton was garrisoned by the 17th Iowa, Lieut. Colonel Archer commanding. He had about 350 men—no artillery. An army corps was in his front. Colonel Archer held the enemy off seven hours, fighting from his rifle-pits and block-house. At last the Confederate commander placed several batteries in position, and opened upon the devoted garrison. In a short time the block-house was rendered untenable, and Colonel Archer was forced to surrender. This was the first and only success against our block-house system. On Dec. 4, 1864, Bates' division of Cheatham's corps attacked the block-house at the railroad crossing of Overall's Creek, five miles north of Murfreesborough, Tenn. The enemy used artillery to reduce the block-house, and although 74 shots were fired at it, no material injury was done; the garrison held out until relieved by Gen. Milroy from Murfreesborough.

After the Atlanta campaign, in the Department of Missouri, every important bridge and town where detachments of troops were stationed was protected by block-houses and stockades, and during the Indian campaigns of 1864-5, and 6, our lines of communication, stage and telegraph, were all held successfully by small detachments of troops in block-houses and stockades and were never captured unless overwhelming forces of the Indians attacked them, and only then when the defensive works were inferior or not properly constructed, and even in cases where detachments left their stations if they had remained they would have successfully held them. After I took command on the plains and issued



positive orders for detachments to stay by their posts and never leave them, not a single detachment that I remember was captured in its block-house or stockade. With the small force we had it would have been impossible to maintain our mail, telegraph and overland routes successfully, if it had not been for our system of block-houses and stockades, dotted for thousands of miles over each of the overland routes. It is evident from our experience in the West that our block-house and stockade system of defending our lines of communication was a great success, not only as against raids of cavalry, but from attacks of infantry and artillery, and saved to us a very large force for the field. I left on the line of the railway from Nashville to Athens during the Atlanta campaign only two regiments of negroes, taking with me my entire corps, and without the block-houses to defend the lines from Nashville to Stevenson and Stevenson to Atlanta, it would have taken a thousand men without block-house protection for every hundred required with it. —*From the Army and Navy Journal.*

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HISTORICAL COLLECTIONS may consist of a wide range of objects, representing not only America, but the nations with which the U. S. have relations, and particular interest attaches to such things as have been associated with prominent national personages or with great national events; these are of lasting interest. Among specimens may be mentioned weapons and munitions of all kinds—cannon, rifles, pistols, projectiles, torpedoes, swords, knives, etc.; all kinds of minor devices and appliances employed in navigation, land transportation, signaling, engineering, etc.; banners, uniforms, costumes, and separate parts of costumes; medals, coins, badges, books, documents, maps, and photographs, in fact anything that may serve as a representative of historical personages or events.—*Smithsonian Institution Instructions to Collectors.*

## COUNTY HISTORICAL SOCIETIES.

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The suggestion is not infrequently heard that each county ought to have a historical society. It is not said that each county should produce a whole shelf of printed literature each year, but there is much in all local history that is worthy of preservation, and there is much valuable material going to waste, being irretrievably lost, simply because no one has the time or cares to take the trouble to preserve it.

Iowa, for instance, is quite young. She is so young that old men can recall the time when Iowa was not. But into her short life no little history has been crowded. Des Moines county played no unimportant part in the early history of the State. Much of that has never been written or verified and the time will soon come when there will be no opportunity to get the early history of this city and county from those who helped to make that history.

And there are not a few in city and county, who would gladly join hands with other good citizens and enter upon the patriotic work of preserving for the generations that come after us, a knowledge of what was done by us and those who preceded us. The expense need not be great, in fact there need be no expense. The county court house or the public library would furnish a meeting place and until some enthusiastic friends of the society make other provision therefor, the place for keeping the records and the accumulations of the society.

The generation of today in this young State has no idea, cannot picture to itself the conditions under which those lived and worked who built the foundations for this magnificent commonwealth. Neither does it know aught of those pioneers. In the schools they learn much of the planting of some colony on the Atlantic coast, details of all kinds covering early colonial times are impressed upon their minds. What do they know or learn of the founding of their own State, or of the trials and sufferings, the toil and hardship,

the failures and successes of the makers of Iowa? And perhaps these are no less important and of no less interest to Iowans than the story of Rhode Island or Delaware.

By all means let us have a historical society.—*Burlington Hawk-Eye*, Sept. 7, 1903.

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IMPORTANT DECISION IN FAVOR OF THE MINERS.—We are informed by the citizens of the Upper Des Moines Lead Mines, that the United States District Court for Illinois (Judges John McClain and Nathaniel Pope, presiding) decided at its late session that the acts of Messrs. Flannegan and Cunningham, superintendents for leasing the lead mines, etc., etc., were without authority of law and therefore void. The court decided, as our informants state, that the old act of 1807, authorizing the President to lease Lead Mines and Salt Springs, in what was then called the Indiana Territory, is rendered inoperative or virtually repealed by the law of 1834, establishing the Galena and Mineral Point land districts. It was but a short time since that we had the pleasure of noticing a similar decision made by the Supreme Court of our own Territory—and of offering our congratulations to our northern brethren in Iowa. We now extend them to the people of northern Illinois and Wisconsin. They cannot but feel that their day of deliverance from the odious tythe system, so repugnant to the genius and spirit of our institutions has arrived. The officers sent by the administration in the shape of superintendents, agents, etc., etc., have, we understand, on account of the vexatious manner in which they harrassed the citizens of the mineral district with petty law suits, become extremely odious. We are of those who believe that the Federal Government is departing from the high purposes for which it was created when it descends to an interference with the business and avocations of its people. It was never made for a lead mine digger or a salt water boiler.—*Territorial Gazette*. [*From The Bloomington (Iowa) Herald*, June 30, 1843.]

a variety of questions seriously affecting the rights of persons in the settlement of estates. They form a valuable addendum to a biographical and genealogical collection. They also afford information which can be secured from no other source, concerning the public health and the existence and spread of contagious diseases. The importance of data, of the correctness of which no doubt should exist, is obvious at a glance. The interests both of individuals and of the State are too important to be trifled with either by incompetent or unwilling officials. Possibly adequate compensation for the work involved, with penalties for its neglect, would secure the desired results.

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#### THE BATTLE OF YELLOW BAYOU.

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The leading article in this number of **THE ANNALS** is historically valuable, and highly interesting. The author, Hon. William G. Donnan, as will be seen, was not only an eye-witness of what he so graphically describes, but an active participant in the affair. His explanation of the course of the gallant Col. William T. Shaw, showing that his instant disobedience of the orders of his commanding officer saved the army from a disastrous defeat, is now for the first time fully explained so that it may be thoroughly understood. It is a shame that he was made to say something in his official report (now a historical document), that he not only did not write, but which was a suppression of the truth. Mr. Donnan's tribute to his old commander who "still lives" has been long in coming, as he states, but it is every word deserved. The article is a distinct contribution to the knowledge of the Red River campaign which will not be overlooked by those who in coming time shall write the history of our famous expedition. Mr. Donnan speaks of it as the "great" of the Red River Expedition. Col. Shaw always called it the "battle of Yellow Bayou."

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**FRANCIS MARION DRAKE.**

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A daring pioneer, a dashing soldier and leader of armed men, a far-seeing business man and financier, a successful builder and operator of railroads, the founder and generous patron of a university, the Governor of this great commonwealth—withal a philanthropist and Christian gentleman—such was the eminent citizen whose loss the State sustained when Francis Marion Drake on Friday, Nov. 20, 1903, obeyed Death's inevitable and irrevocable summons.

General Drake's character and career were far from the ordinary, regarded from the point of view of his achievements, although looked at from the view point of the manner and conditions of his life, they were largely typical of the life and careers of the great majority of his fellow citizens. He was blessed with parents of stout and rugged character and high purposes who thoroughly inculcated the lessons of industry, thrift, courage and high-mindedness. His infancy and boyhood were passed on the frontier and his mind and character were moulded amidst the hardships and dangers of the pioneer's life. Two journeys across the plains during the excitement of the gold discoveries, with Indian attacks and constant privations; shipwreck in the Pacific on his way home; these experiences early taught him many valuable lessons and developed his traits of character such as the power to do and command and to make generous and heroic sacrifices for the sake of others' welfare.

He had hardly got started in business here in Iowa when Lincoln's call for volunteers stirred his patriotic soul. Enlisting as a private he steadily rose higher and higher in responsible commands by the sheer force of merit, by deeds and demonstrated ability to command—until a grievous wound cut short his active army service. He was a real soldier. Attention to duty, the faithful and successful performance of every sort of task assigned him characterized

his conduct as well as courageous acts and daring deeds when the battle was on. It was this combination of qualities that won him his star. He had the true commander's eye for he was quick to search and see the enemy's weak point; and there he aimed his blows quick and hard. His was not a Fabian policy. Once he knew his ground and his men it was forced marches and sudden onslaughts before his foes could collect their wits and their forces.

Into business General Drake carried the same principles of action and his success was again equally eminent. He was not much given to talking. He studied his surroundings. He looked abroad into other states and perceived the nature of industrial development; and he was quick to discern the immense possibilities here in Iowa. But he not only foresaw what probably would happen, he proceeded forthwith to make things happen and he entered upon his successful career as a projector, builder and operator of railroads that now form so important a part of the vast network of arteries in our State and nation. From these and many other successful business ventures General Drake amassed a substantial fortune which in very large measure he devoted to philanthropy, to education and to his church. These objects of benevolence were his constant and chief delight.

He lived a quiet, unostentatious life at Centerville among the friends and neighbors of a life time. He never cared for the pomp and circumstance of wealth. He was modest and unobtrusive in his giving. It was with no suggestion or desire on his part that the educational institution that he founded at Des Moines was given his name. Although the chief donor to the University he never presumed on that fact in his relations with the faculty and the Trustees—rather he seemed to have been made more reluctant to interpose his opinions lest more weight than usual would not un-naturally be accorded them. An interesting instance of his modesty was his refusal to permit some of his friends to correct a perversion of the history of a battle he fought with

marked success, whereof his superior officer took the credit although absent and had given directions that would have led to contrary results, and Drake's name was unmentioned in the dispatches.

But while General Drake was modest and unassuming he who presumed too much on his graciousness, he who mistook his desire to please for lack of decision, very soon awoke to the fact that there was a great deal of oak and iron in his constitution. He was Governor while he occupied the office of chief executive. On matters chiefly or wholly political in character he consulted freely with his friends and coworkers; but when a matter touched him closely he shouldered responsibility promptly and exercised power vigorously. He could not be whipped about by the varying winds and waves of sentiment. One day at the dinner table of a well-known citizen in an eastern Iowa city some prominent Iowans fell into a lively discussion of the propriety of a then recent commutation of a death to a life sentence, by Governor Drake. He listened to the numerous unfavorable comments for some time in stern silence; but finally he suddenly blazed forth, bringing his clenched fist down on the table with a bang that made the china jump—"I never believed in hanging boys and I never will." The discussion was ended.

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#### A GREAT MEDAL.

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A bronze medal in the George E. Roberts Collection in the State Historical Department has a very interesting history. It was awarded to Joseph Francis, by act of Congress in 1888. He was a Massachusetts philanthropist who spent the better part of his life in devising plans and appliances for saving the lives of those who go down to the sea in ships. One of his inventions was the well-known life-car by

means of which people can be safely landed from a wreck near the shore. This invention proved a great success, though at the start no aid could be obtained from the government. In his first trial of this device, at his own expense, he saved 200 lives from a wreck, losing but a single man who would not obey his orders. The dies were engraved by a French artist at a cost of \$3,000. It has a medallion portrait of the inventor on its face, while on the reverse it shows a wreck in the midst of a storm, with the life-car plying with its precious freight between the ship and the shore. This medal possesses much local interest for it was devised by Charles Terrell, a former resident of the capital of our State, and a graduate of the U. S. Naval School at Annapolis. Some of his relatives reside in Des Moines at this time. The medal is certainly a very beautiful one, one of the finest in every respect ever issued by the government, and one of the largest. The original was struck in gold, and was four inches in diameter and a little more than one-fourth of an inch thick. It is one of the most conspicuous in this interesting and valuable collection.

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#### A SIXTIETH ANNIVERSARY.

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On Sunday the 8th of November, 1903, the Rev. Dr. William Salter, of Burlington, celebrated the 60th anniversary of his ordination as a clergyman of the Congregational Church. He preached a sermon on that occasion "replete with helpful thoughts and beautiful sentiments." This discourse was not only pleasant to hear, like everything that flows from the good man's lips, but it is most interesting and instructive reading in plain print. In addition to the analysis and summary of the life, work and doctrines of St. Paul, he presents a brief account of his own preparation for coming to Iowa, and how he entered upon his labors in the city of Burlington. It is now fifty-eight years since he began



his pastorate in that city, and the end is not yet. He is still laboring as of old with tongue and pen. Scarcely another man has contributed as much original work to elucidating the history of the Territory and State. His publications have followed each other at frequent intervals since 1863. His works are all marked by great thoroughness of research, with a lucidity and beauty of style which have kept them alive in the minds of scholars and the public from the date of their first appearance until the present time. His "Life of James W. Grimes" is unquestionably the most important book of Iowa biography that has yet appeared. Our pages bear abundant and frequent testimony that he is still writing history and biography with all the enthusiasm that has characterized any period of his life. And in the administration of his social and pastoral duties he has always borne a most distinguished part. No man in Iowa has ever possessed a wider circle of attached friends. In Burlington he is the best beloved man in the whole cityful. And although he is now in his 83d year he is still laboring assiduously for his congregation and for the people of the State.

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#### HON. A. R. FULTON AND HIS WORK.

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Twenty years ago Judge Fulton was one of the well-known citizens and journalists of Des Moines. He was an old-time Iowa editor, having been one of the founders of *The Fairfield Ledger* in 1851, in the publication of which he was afterwards associated with the late W. W. Junkin. He was an able, versatile editor, and a pronounced partisan—an old-time anti-slavery whig and later a republican. His paper was well-known and influential and his labors were widely appreciated. He died at his home in Des Moines, Sept. 29, 1891. Among his many useful labors was the preparation of a book entitled "The Red Men of Iowa," which Messrs. Mills & Co., stereotyped and published in

1888. The edition was a small one, but it was the hope of the publishers to bring out another, and they had been casting about after the author's death to find some competent person to edit the work. This would have involved but little labor, for it was impracticable to make many changes in the stereotype plates. The book gave a succinct account of each of the various Indian tribes which at one time or another had occupied portions of our territory. But while this subject of a second edition was pending the rooms where the plates were stored were looted by burglars, who carried off among other things, the stereotypes of this valuable work. As so frequently occurs the property was never recovered. It was supposed at the time that the plates were melted down and sold for old metal. At all events they have never been heard from.

"The Red Men of Iowa" has been out of print for many years and copies are seldom met with except in the second-hand book stores. It is now a very scarce Iowa book and often in request. The library is fortunate which possesses a copy. It should be reprinted for it contains valuable historical information which can only be obtained by searching through early Territorial and State publications, as well as many by the general government and by private individuals.

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## NOTES FROM SIOUX CITY.

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### THE ACADEMY OF SCIENCE AND LETTERS OF SIOUX CITY.

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During the month of September, 1903, there was organized at Sioux City, and incorporated under the laws of Iowa, an Academy of Science and Letters.

The Davenport Academy of Science, which has done such excellent work in anthropology and kindred fields, served the organizers as a model. What this institution has done in and for eastern Iowa the Academy of Sioux City hopes to do for Northwestern Iowa.

Officers for the ensuing year were chosen as follows: President, John H. Charles; Vice President, Geo. W. Wakefield; Secretary, Prof. H. C. Powers; Treasurer, John Amerland; Editor, Prof. A. N. Cook; Librarian, Prof. F. H. Garver; Curator, G. B. Healy.

The scope of the Academy is broad, hence its name—"The Academy of Science and Letters of Sioux City." Its chief object is to be original investigation in Science, History, Sociology, Anthropology, "and other branches of knowledge, and the promotion of the study thereof."

Regular meetings of the Academy are held twice a month from September to April at which times the results of individual investigations are reported and discussed. At the close of each year (about June) it is the purpose to publish a "Proceedings" embodying such of the papers read before the Academy, *in toto*, or by title, as may be deemed worthy of publication. The Academy will build up and maintain a museum and a library, in fact, it already possesses an excellent collection of specimens, chiefly geological and anthropological.

Some of the subjects now being investigated by members of the Academy are:—"The Geology of Sioux City and Vicinity;" "Present Conditions of the Winnebago and Sioux Indians;" "Ventilation in the Public Schools of Sioux City;" "The Early History of Sioux City and Woodbury County;" "Sociological Conditions in Sioux City;" "The Water Supply of Sioux City;" "Indian Mounds of Northwest Iowa;" etc.

The Academy desires to exchange publications with institutions of a similar character.

#### FLOYD MONUMENT STRUCK BY LIGHTNING.

During a severe electrical storm on September 25, 1903, the Floyd Monument, a beautiful shaft 100 feet in height, which stands on Floyd's Bluff near Sioux City, Iowa, and which marks the burial place of Chas. Floyd, a Sergeant of the Lewis-Clark Expedition, who died on the upward journey and was buried near this point on August 20, 1804, was struck by lightning. The apex was shattered and a large block of stone near the base was moved slightly out of place.

In a few days the Floyd Memorial Association, the organization which had erected the monument, was called together by its President Mr. John H. Charles, to discuss ways and means for repairing the shaft. After several meetings it was decided to repair the apex at once but not to attempt any repair of the damage done near the base, leaving that as a reminder of the event, since it in no way effected the stability of the monument.

The last half of November and the first half of December witnessed the completion of the repairs which cost nearly \$1,000, a sum out of proportion to the real damage done because of the expense of again erecting a scaffolding to the top of the monument.

The amount necessary to defray the expense incurred was raised by subscription among the members of the Association and the business men of Sioux City, to both of whom great credit is due.

The history of this monument may be read in articles in this 3d series of *THE ANNALS*, as follows: Vol. II, pp. 305-14, by Hon. George W. Wakefield; Vol. IV, pp. 493-5, and Vol. V, pp. 177-98. The latter is the elaborate and eloquent historical address of Hon. John A. Kaseon at the dedication of the completed shaft. An engraving of the monument accompanied the latter.

F. H. G.

## NEW PUBLICATIONS.

*The Black Hawk War including a review of Black Hawk's Life, with upward of three hundred portraits and views, by Frank E. Stevens, 1205 Chamber of Commerce Building, Chicago, 1903, pp. 323.*

For thirty years the author has been collecting materials for this volume. He is no admirer of Black Hawk, but portrays him as a treacherous savage, without those redeeming qualities that awakened sympathy and consideration for him by many people. Neither is the author an admirer of the officers or men of the Illinois Militia, who went in pursuit of Black Hawk, some for "fun," playing pranks by the way, some to make political capital. He says, "Superior officers seemed not to know how to manage the men, all of whom had votes they dared not antagonize at home. While it was the boast of the army of volunteers that it contained the leading spirits of the State, we are forced to the conclusion that it had been much better for the State and the reputation of the army, if there had been in it fewer judges, members of Congress, and candidates for other offices, and more of such men as Henry and Dodge." It is to the valor and skill and heroic endurance of these men—Generals James D. Henry, for whom Henry County in Iowa was named, and Henry Dodge, afterwards the first governor of Wisconsin Territory—that Mr. Stevens gives the main credit for bringing the war to an end.

The volume contains a detailed and interesting account of the peaceful campaign of 1831, and the "Articles of Agreement" under which Black Hawk removed from Rock river to the west side of the Mississippi, and agreed not to return without the permission of the President of the United States or the Governor of Illinois. It also has carefully prepared and accurate statements as to the part taken by Abraham Lincoln and Jefferson Davis in the war (Appendix A and B).

In writing of Fort Madison, Mr. Stevens falls into the common mistake of attributing its location to Lieutenant Pike. The facts are that the site recommended by Pike was the ground now occupied by Crapo Park, Burlington, which he speaks of, August 23d, 1805, as "a very handsome situation for a garrison, about forty miles above the de Moyer rapids." The selection of Fort Madison was made three years later, by Lieutenant Alpha Kingsley, Sept., 1808. "I have fixed on it," he says, "which is about 25 miles above Le Moine" (ANNALS OF IOWA, 3d series, iii, 100). Neither was Black Hawk present in the attack upon Fort Madison of Sept. 5th, 1812. He had previously in that year, on the breaking out of the war with England, gone to Prairie du Chien, and joined the British in their alliance with the Indians under Tecumseh. His assault upon the fort, when, as he said, he dug a hole with his knife deep enough to hide in, placing weeds around it, and directed his warriors from his ambush, was earlier, soon after returning from the defeat of Tecumseh at Tippecanoe.

W. S.

## CORRECTIONS.

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COIN, IOWA, OCTOBER 30, 1903.

In *THE ANNALS* of October last I notice on page 239, regarding the death of Hon. P. M. C. Logan, that he is credited with being the founder of the town of Logan, county seat of Harrison county, Iowa.

This is a mistake. The town of Logan was laid out in July, 1867, on land owned by a pioneer named Henry Reel. Mr. Reel named the town "Logan" in honor of Gen. John A. Logan, of Illinois, for whom he held the highest regard.

Hon. P. M. C. Logan was never prominently identified with the town of Logan. He was engaged in the grain business there for several years but afterward sold out and located on a farm southeast of the town. He represented the county of Harrison in the legislature and was a useful man but he was not the founder of the town of Logan nor was it named in his honor. For verification see J. H. Smith's history of Harrison County, page 374.

This matter may not be of importance but I want Mr. Reel to have the honor due him. Recently I have seen a number of newspaper items about Hon. P. M. C. Logan, crediting him with being the founder of Logan, Iowa. This being erroneous it should be corrected as far as possible.

Yours respectfully,

W. E. ADAIR,  
*Editor of The Gazette.*

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JOSEPH SMITH'S DESCENDANTS.

*Editor Burlington Hawk-Eye:*

Will you please give room to this correction of a misstatement that crept into *The Sunday Hawk-Eye*? It was stated that the Utah Mormons had purchased the old Carthage jail and that they and the "children and grandchildren" of Joseph Smith would use it as a monument to his memory. Now the truth is that none of the descendants of Joseph Smith have anything to do with the affair, because none of them have anything to do with the people who have bought the property. The descendants of Joseph Smith are connected with the non-polygamous re-organized Latter Day Saint Church, with headquarters at Lamoni, Iowa. None of his children or grandchildren are connected with the Mormon Church, none of them have ever been, and none of them ever wish to be connected with that church. From the oldest to the youngest they have always opposed it. As one of the members of the family I wish to see this mistake, probably no fault of *The Hawk-Eye*, corrected.

ELBERT A. SMITH.

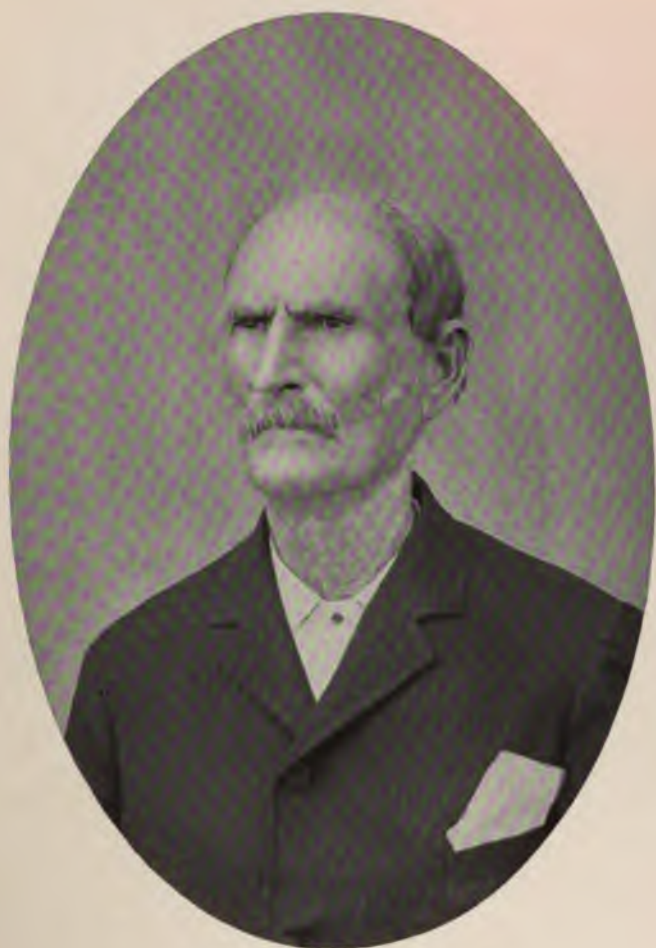
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In the notice of the death of Col. John Scott on page 237 of this volume of *THE ANNALS* the statement was made that he was born in 1811. This is an error. He was born April 14, 1824.

## NOTABLE DEATHS.

**CHARLES PITKIN BIRGE** was born January 8, 1835, in Franklin Mills (now Kent), O.; he died at Keokuk, Iowa, Oct. 23, 1908. His parents had removed from Connecticut to Ohio in 1834. Charles remained at home attending school until his father removed to Aurora, O., in 1845. He attended school during the winter of '50-'51 at Oberlin, O., where he boarded with the publisher of the town paper, spending much time in the printing-office where he learned to set type. Up to the year 1856 he was employed in various mercantile establishments as clerk, having lived in several towns on the lower Mississippi river and in Arkansas. He settled in Keokuk in 1856, where he engaged in the wholesale grocery business on Fourth street, with C. A. Kellogg as his business partner. The firm became one of the most successful and widely known in southeastern Iowa. In 1861 he joined the City Rifles, a company of home soldiers whose muster roll included such names as Noble, Belknap, Worthington, McDowell, Bruce and Hillis, the most of whom became distinguished during the civil war. Mr. Birge gave much time and effort to the establishment of the Keokuk Public Library, and was one of the first vice-presidents of the Association. He served on the city board of education six years, when he was appointed commissioner of Prison Labor for Iowa, by Gov. Gear. He was also prominent in the efforts which were made in the later seventies to improve the navigation of the Mississippi river. He was one of the founders and vice-president for many years of the Keokuk Savings Bank. He presented to the city his residence as a Home for the Aged. He gave to the city a beautiful drinking fountain which stands in Rand Park. The Keokuk Public Library contains a number of valuable medallions and casts which he presented to that institution. He presented to the State Historical Department, not long before his death, a rare collection of silver medals which had been given by the U. S. Government to Indian Chiefs in the west, but which had been acquired by him during his business life, together with several other articles of lesser value. He had also been an indefatigable collector of material relating to the Battle of Athens, Mo., which will some day prove of great use to the historian. Personally, he was a genial companion, and an excellent man every way. Works for the benefit of the public and for the diffusion of knowledge always enlisted his best efforts. In the truest sense of the word he was a philanthropist. The Keokuk papers of Oct. 24, 1903, contain eloquent tributes to his merits as a citizen and a man.

**GIDEON SMITH BAILEY** was born June 3, 1809, near Louisville, Ky.; he died at Vernon, Van Buren county, Iowa, Nov. 5, 1903. His death removes the last surviving member of our first territorial legislature. His early youth was spent in Indiana. There were no public schools at that day, but he improved every opportunity to learn, and at eighteen was himself teaching school. With a little help from his father, and by splitting rails and doing other work for his board, he secured the means to study medicine. In 1832 he began the practice of his profession in Charlestown, Ill. The Lincoln family was among his patrons and he attended Abraham Lincoln's father in his last illness. In 1837 he came to Iowa and settled at Vernon on the claim that became the farm where he lived for over 66 years. He was a member of the house in the first (1838-9) and second (1839-40) territorial legislatures; a member of the council in the third (1840-1) and fourth (1841-2); a member of the first constitutional convention in 1844; a member of the senate in the seventh and eighth state legislatures (1858-60). He declined the governorship of the Territory, tendered by President Polk. In 1845 he was appointed U. S. Marshal for Iowa, a very important position in that early day, entailing an immense amount of



*G. S. Bailey*

DR. GIDEON S. BAILEY,  
Pioneer settler at Vernon, Van Buren county, Iowa. Territorial and State  
legislator, United States marshal, etc., etc.

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work and travel on horseback. Dr. Bailey's ability made him a leader in the legislature during the many years he was a member. During the civil war he was arrested by the military authorities for alleged disloyalty and immured in the Gratiot Street Prison in St. Louis. When this came to the knowledge of his excellent friends, the late Judge George G. Wright and Gen. W. W. Belknap, they promptly secured his release. Relating the transaction more than twenty-five years afterward the old Doctor laughed about it as a good joke—the idea that he could have been disloyal! Up to 1860 his life had been filled with the excitement of business and politics, but thenceforward he lived in quiet and retirement.

JOHN H. CHARLES has received a newspaper containing an account of the death of Mrs. Stephen Fields, at her home, Northborough, Page county, Iowa, November 17, 1903. Mrs. Fields visited at the home of Mr. and Mrs. Charles at the time of the dedication of the Sergeant Floyd memorial monument in Sioux City, a project in which she had deep personal interest. She was the last known direct survivor of the thirty-three men engaged in the Lewis and Clark expedition, the daughter of William Bratton. She was born in 1833 and remembered hearing from her father particulars about that historic trip to the northwest, which started at St. Louis, and ended at the mouth of the Columbia river. Mrs. Fields is survived by her husband and six children, all of whom were able to be with her during her last illness. She had expected to visit the St. Louis exposition next year, and arrangements had been made by the managers for that purpose, as they were particularly interested in the personal relationship she bore to the expedition which added an empire to the nation by the purchase from Bonaparte in 1803, which the exposition is to commemorate. Mrs. Fields was a noble, Christian woman, and died beloved by all who knew her.—*Sioux City Tribune, Dec. 8, 1903.*

FRANK H. CARBERRY was born in Auburn, N. Y., Dec. 11, 1834; he died in Dubuque Nov. 26, 1903. In the spring of 1855 he came to Dubuque and in 1858 began work on a publication called *The Christian Witness*, but soon after became connected with *The Times*. With this paper he retained an interest until 1893, being at one time part owner and for four years editor-in-chief. When in April, 1861, at the breaking out of the civil war, Pres. Lincoln called for 75,000 volunteers, the original Governor's Grays at once held a meeting and Mr. Carberry was the first man to sign his name as an enlisted soldier. As a member of Co. I, First Iowa Infantry he was with Gen. Lyon in the Missouri campaign, at Wilson's Creek and other engagements. He served four months and then resumed his work on *The Times*. In 1864 when the President called for 300,000 men, Mr. Carberry again responded and re-enlisted in Co. A, Forty-fourth Iowa Infantry. He served in many battles and was conspicuous at La Grange, Tenn., for his care of wounded soldiers. In 1889 he was appointed government gauger, which position he held until his death. As a journalist he possessed marked ability and was for years special correspondent for Chicago and other city papers.

JACOB M. FUNK was born at Chester, Pa., in 1829; he died at Webster City, Iowa, Nov. 29, 1903. Details of his early life are meager, except that he spent two years in Lewisburg College, Pa., in the early fifties. He came to Hamilton county, Iowa, in 1854, settling on the trackless prairie near what is now the site of Webster City. He resided in that immediate vicinity until his death. He was an active, energetic business man, who accumulated a fortune variously estimated at from \$500,000 to \$1,000,000. He was also associated with the late Hon. Walter C. Willson as an active participant in efforts to build railroads centering at Webster City, and to establish promising business enterprises at that point. He was many

years president of the Crooked Creek railroad, a short line which tapped the immense coal regions along the Des Moines valley, in the southern part of Webster county. He was a pioneer in the manufacture of drainage tiles. His claim upon the grateful recollection of the people of his town and county rests upon his establishment of a hospital at Webster City, the management of which he turned over to the Methodist Episcopal Church of that Conference. In his later years Mr. Funk traveled widely in this country and Europe.

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AMBROSE C. FULTON was born in Chester county, Pa., July 7, 1811; he died in Davenport, Oct. 16, 1903. Mr. Fulton's long life was an unusually eventful one, full of strange, romantic adventure. Much of this he has given to the public in his book, "A portion of a life's voyage," published in 1902. In 1842 he settled in Davenport and has since been identified with the life of that city. He was at an early day interested in various plans for its improvement—the erection of a flour mill, the building of roads, bridges, and railroads. He served as county commissioner for Scott county, was twice nominated for representative in the Iowa General Assembly, but defeated. In 1854 he was elected to the senate by the anti-slavery whigs, and served in the 5th G. A. In 1857 he was elected a life member of the Northwestern Freedmen's Aid Commission. During the civil war he received the thanks of Secretary of War Cameron, for furnishing valuable information concerning New Orleans and vicinity. It is impossible to enumerate all of the enterprises and reform movements with which he was identified, but it is doubtful if any other man has done more to promote the welfare of Davenport and vicinity.

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JAMES W. LOGAN was born in Washington, Pennsylvania, in March 1826; he died in Des Moines Oct. 3, 1903. Mr. Logan came to Iowa in 1855, settling in Muscatine where for two years he edited *The Muscatine Daily Journal*. He was elected chief clerk of the Iowa House of Representatives for the Sixth G. A., the last session held in Iowa City. He removed to Nebraska in 1857 but in 1860 returned to this State and established *The Republican* at Fort Dodge. He was elected a member of the House of Representatives for the Tenth G. A. In 1864 he removed to Waterloo, and became a partner in the publication of *The Courier*. He remained with the firm about ten years, widely known as one of the leading editors of the State. In 1874 he served as enrolling clerk of the Senate and in 1876 as chief clerk of the House. In 1878 he was appointed U. S. collector of internal revenue, a position he held until 1885. Mr. Logan's father was a soldier in the revolutionary war and he was one of the few Iowa men having that distinction.

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WILLIAM H. H. REDDICK was born in Indiana in 1840; he died in Seventy-six township, Muscatine county, Iowa, Nov. 8, 1903. At the breaking out of the civil war Mr. Reddick enlisted in Co. B, Thirty-third Ohio volunteers, and was soon promoted to the position of second lieutenant of the company. His name will go down to history as one of the twenty-four men (non-commissioned officers and privates), who in 1862 planned the heroic and brilliant feat known as "Andrews' Railroad Raid." The project was to capture a train in the heart of the enemy's country and cut off all communication between Atlanta and Chattanooga. The history of the enterprise and its failure are well known. The raiders were captured and Mr. Reddick was one of the few who escaped hanging. He received a medal from Congress for bravery, and was held in great honor by all old soldiers. For many years he had been a well known and respected citizen of Muscatine county. He is survived by a large family.

CAROLINE AUGUSTA WHITE was born at Albany, N. Y., Sept. 1, 1824; she died at Lanark, Scotland, Nov. 9, 1903. This was the distinguished woman who in later years was known throughout the United States as Mrs. Caroline A. Soule, the journalist, magazine writer and author. She was twice married, first to Rev. Henry A. Soule, whose death left her a widow with five helpless children. She then sought literary work which soon made her one of the most celebrated American women. Her second husband was A. B. Holcomb, who settled in Boone, Iowa, where the family resided several years. At his death she was invited by friends to come to Scotland, where she spent the remainder of her life. She entered the ministry of the Universalist denomination, becoming the pastor of St. Paul's Church, Glasgow, Scotland, in which work she continued from 1879 to '92. She is well remembered by people throughout this country and especially so in central Iowa, where she was a pioneer.

CHAS. D. BEVINGTON was born in Holmes county, Ohio, in 1826; he died in Winterset, Iowa, Nov. 13, 1903. When a young man he joined the "49ers" in a search for gold in the far west. On his return trip he stopped in Madison county, near the present site of Winterset, and located there. He purchased many acres of land at a small figure and induced others to settle near. He became identified with the founding and growth of Winterset. In 1864 he organized the First National Bank, and was its president from that time until his death—an unusual service. He was president of the first company organized to build a railroad through Winterset. Mr. Bevington was a republican and took an active part in politics. He was county clerk in an early day, and was more than once Madison county's choice for Congress in the district conventions.

BENJ. T. FREDERICK was born in Fredericktown, O., Oct. 5, 1834; he died at San Diego, Cal., Nov. 4, 1903. He came to Marshalltown, Iowa, in 1855, where for many years he was known in that section of the State as a leading business man. For a time he was one of the directors of the First National Bank, and for several years was engaged in merchandizing and in the management of an iron foundry. In 1882 he became a candidate for member of Congress in the 5th district against James Wilson. The seat was contested and was only given to him on the last day of the 48th Congress. He was re-elected in 1884, but defeated in 1886. The following year he removed to California, where he held the appointment of revenue collector under President Cleveland.

NORMAN BRUCE HOLBROOK was born in Somerset county, Pa., April 25, 1836; he died in Marengo, Iowa, Nov. 4, 1903. In 1857 he came to Iowa county, locating near Millersburg, where he taught school. In 1859 he was elected sheriff of the county, holding the office four years. For two years he owned and published *The Iowa Valley Democrat*. He was a member of the house of representatives in the 17th, 20th, 21st and 23d General Assemblies, elected as a democrat. For years he was identified with the official life of the town and county. He served as a member of the county board of supervisors, member of the town council, and of the school board. He organized the Marengo Savings Bank and for a long period was its president.

FRANK RUSSELL who was raised on a farm near Ft. Dodge, died about the 10th of November, at Kingman, Arizona, at the early age of 35 years. He was a graduate of the State University, where he was held in the highest esteem as a scholar and a man, and as an original and widely learned student of natural history. He entered Harvard University in 1895, from which institution he received the master's and the doctor's degree. He

had spent some time in the Winnipeg country, and further north, in studying the natural history of those remote regions. He had latterly gone to Arizona in a vain pursuit of health. The death of this brilliant young Iowan was the occasion of sincere regret wherever he had become known.

**SAMUEL B. DOWNING** was born in Venango county, Pa., Feb. 4, 1825; he died near Drakesville, Iowa, Oct. 27, 1903. Mr. Downing came to Davis county in 1840, being one of the earliest settlers. He served two years in the Mexican war. He was one of the early abolitionists and voted for John C. Fremont in 1856. During the civil war he served as captain. He was a member of the house in the 18th and 19th General Assemblies, having been elected on the greenback ticket. In 1889 he was a candidate for governor on the union labor ticket. He was an ordained minister in the Christian church and preached many years for that denomination.

**JOSEPH WORK** was born in Clarke county, Indiana, Aug. 28, 1824; he died in Almena, Kansas, Sept. 24, 1903. Mr. Work first came to Iowa with his father in 1842, and was present at Agency City when the treaty with the Sac and Fox Indians was made in October, 1842. He returned to Indiana for a time, but in 1844 removed to Iowa, locating on a farm near Birmingham, Van Buren county. He remained in the State until 1894 when he removed to Kansas, where he resided until his death. Mr. Work was elected from Van Buren county to the 15th G. A., on what was then known as the Granger ticket.

**LEMUEL PARKHURST** was born in Ontario county, N. Y., Feb. 27, 1818; he died in Davenport, Iowa, Dec. 11, 1903. He came to the territory of Iowa in 1836 and at the time of his death was one of the best known men in the eastern part of the State. For thirty years he was engaged on the Mississippi river packets, serving as clerk and later as captain. In 1841 Mr. Parkhurst was elected assistant clerk of the House, in the 4th territorial legislature, the first to meet in Iowa City. He was for years deputy treasurer of Scott county and served on the Davenport city council.

**PHINEAS F. STURGIS** was born in Fayette county, Pa., December 7, 1830; he died at West Union, Iowa, February 8, 1903. He was a pioneer, settling in West Union in 1851, where he was a successful merchant. He served in the Iowa house of representatives in the session of 1864. As a member of the board of trustees of the College for the Blind, at Vinton, he rendered the State an excellent service, running through many years. He was an active republican politician and a close friend of Gov. William Larrabee, U. S. Senator James F. Wilson, and other leaders of the time.

**FREDERICK HANCOCK** was born in Luzerne county, Pa., Dec. 13, 1814; he died at Bentonsport, Iowa, Oct. 4, 1903. He came to Van Buren county in 1838 and took up a claim near the present town of Bentonsport. He continued to live near that place for the rest of his life. During the civil war he served as quartermaster, with rank of captain. Capt. Hancock was very prominent in politics at an early day. He was a member of the 7th and 8th territorial assemblies and was one of the last two surviving members who served in the territorial legislatures of Iowa.

**GEORGE W. WAGNER** was born in Washington township, Johnson county, Iowa, May 24, 1859; he died in Iowa City, Dec. 17, 1903. Mr. Wagner was one of the early citizens of the county, his father having settled there in 1846. He purchased a farm in 1879, which under his management became one of the finest in the county. He was a member of the House of Representatives in the 22d G. A., and as such did much for the interests of the State University.

## Historical Department of Iowa.

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*L. G. Kinne*

JUDGE L. G. KINNE.

Judge of the District Court of the Seventeenth Judicial District of Iowa 1887-88, 1890-91; Judge of the Supreme Court 1892-97, Chief Justice 1897; appointed member Board of Control of State Institutions 1898, reappointed 1902.

# ANNALS OF IOWA.

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## THE ORIGIN, GROWTH AND DEVELOPMENT OF THE BOARD OF CONTROL SYSTEM IN IOWA.

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BY JUDGE L. G. KINNE, A MEMBER OF THE BOARD.

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Possibly what is said in this article might carry greater weight if it had been written by one in no way identified with the Board of Control. However that may be, I shall endeavor to give an accurate, impartial, and I trust clear statement of the main causes leading up to the creation of this Board, its work and the results accomplished by it.

Prior to the creation of the Board of Control almost every known system of controlling the charitable, reformatory and penal institutions of the State had been tried, and all of them in some measure had failed to meet the just expectations of the public. Boards of "commissioners," and later boards of "trustees," had had charge of the State hospitals for the insane. A board of "overseers" at first controlled the College for the Blind and a board of "trustees" the School for the Deaf. These two boards for a time were in part composed of the Governor, Secretary of State and Superintendent of Public Instruction. Some of the institutions had boards composed of six members, afterwards reduced to four or five members. Under the Code of 1891 separate boards of three "trustees" had charge of the School for the Deaf, the College for the Blind, the Soldiers' Orphans' Home, the Industrial Home for the Blind and the Institution for Feeble-Minded Children. The Soldiers' Home was governed by a board of five "trustees." The penitentiary at Ft. Madison was at first in charge of a board of three

"directors," afterwards an "agent" was placed in control. Later a board of "inspectors" was created and the institution placed in their charge. Still later the warden of each penitentiary had actual control of the same subject to inspection and investigation by the Governor of the State. The industrial schools were placed under the control of one board consisting of five members.

Usually these "commissioners," "directors," "agents," "inspectors" and "trustees" were selected by the legislature after having been agreed upon by a caucus of the majority party, but in some cases they were appointed by the Governor. In many cases, however, the appointments were made largely on political grounds and in payment of political debts. Little heed was given by the legislature to the matter of especial fitness of the appointee for the work required of him. Some of the appointees proved to be excellent, painstaking men whose services were of great value to the State, others had no taste or ability for the work required, frequently neglected their duties or virtually delegated their powers to the chief executive officers in charge of the several institutions. Of this latter class some had no knowledge of the condition of the institutions save what they obtained from the chief executive officer.

After a time a board of "visitors" was created whose duty it was to visit the hospitals for the insane every month and to see all patients and observe how they were cared for. They had no power, however, over the business management of these institutions. Many excellent men and women served from time to time on these boards.

As to some of the institutions certain State officers were charged with duties pertaining to the auditing of accounts; in case of other institutions the "trustees" in immediate charge passed upon the accounts and in the case of others it seems that no one was specially authorized to examine the accounts.

## CAUSES FOR THE LEGISLATION CREATING A BOARD OF CONTROL.

The causes which finally resulted in the passage of the Act of 1898 creating a Board of Control of State Institutions were many and but a few of the more important may be referred to. For many years the unsatisfactory conditions existing had given rise to many suggestions and recommendations relating to a change in methods of control of the institutions. From time to time some of the Governors of the State had urged legislative action looking to the better conduct of the institutions. The writer when a candidate for governor in 1881 advocated that the management of the institutions be committed to a central board. Finally the Twenty-sixth General Assembly in 1896 appointed a joint committee consisting of one senator and two members of the house to investigate the reports of trustees and officers of such institutions and their books and records and report to the next General Assembly and to recommend if any change should be adopted in the government and management of such institutions. The report of the committee was followed by the enactment of the law creating this Board. The most prominent reasons then for the enactment of the new law were:

1st. A conviction by the people and legislature that the institutions were not managed with proper economy.

2nd. Abuses of the provisions of the law by visiting committees to State hospitals in unnecessarily consuming time in order to increase their per diem.

3rd. A disregard of the law relating to appropriations whereby at some institutions funds were diverted from their lawful purpose and used illegally.

4th. The fact that several of the institutions maintained a lobby at every session of the legislature which was composed of superintendent, trustees and others for the purpose of influencing members of the legislature to make appropriations.

5th. An entire lack of any system common to all of the

institutions or even to those of the same kind regarding the purchase of supplies, the keeping of financial accounts and the proper accounting for supplies purchased.

6th. The lack of any business system in the auditing of bills, and in general loose methods touching the management of the business of the institutions.

7th. No uniformity in the compensation of officers and employes in cases where they rendered like service in different institutions under practically the same conditions.

8th. Abuses growing out of the system of having one trustee a resident of the place where the institution was located and his influence being used in behalf of favorite merchants in the matter of purchasing supplies.

9th. Lack of competition in the purchase of supplies.

10th. In some cases no opportunity afforded the public generally to bid on the work of constructing buildings.

11th. The manifest purpose in many cases to expend all the per capita for support whether needed or not.

#### THE BOARD OF CONTROL.

It is my purpose in this paper to deal mainly with facts, leaving the reader to draw his own conclusions. A logical and natural arrangement of the subject suggests the following divisions:

1st. The organization, powers, and duties of the Board.

2nd. The system of financial accounting.

3rd. The system of purchasing and disbursing supplies and of keeping account of the same.

4th. The gathering and preservation of statistical information.

5th. Other books required to be kept and reports which must be made.

6th. Other matters of interest.

#### THE ORGANIZATION, POWERS AND DUTIES OF THE BOARD.

Chapter 118 of the Acts of the Twenty-seventh General Assembly of Iowa provided for the appointment of a "Board

of Control of State Institutions" to consist of three members, not more than two of whom should belong to the same political party, and no two of whom should, when appointed, reside in the same congressional district. The term of appointment for the first Board was two, four and six years, and thereafter the term of office was to be six years. The Board is appointed by the Governor and must be confirmed by a two-thirds vote of the senate. Each member is required to give a bond in the penalty of \$25,000.00. The salary is \$3,000.00 per annum and all necessary expenses incurred in the discharge of their duties. No member of this Board is eligible to any other executive office. The Board is at all times subject to investigation by the joint committee on "Retrenchment and Reform" of the legislature, also by experts appointed by the executive council. It is made a crime for any member of the Board or any of its employees, and for any officer or employee of an institution to accept gifts from any one dealing with the institutions.

If any member of the Board, or any of its employees, or any officer or employee of an institution, exercises or attempts to exercise political influence on any officer or employee of the State, or if any such contribute money or any other thing of value for political purposes, they must be removed from their office or position. The law also makes the person who solicits a political contribution guilty of a misdemeanor.

The Board appoints the chief executive officer of each institution and may remove him at its pleasure. The chief executive officer appoints all subordinate officers and employees and may remove them at his pleasure. It is made a crime for any member of the Board to suggest the appointment of any person under said executive officer.

We have thus in effect, civil service as to appointments to places in the institutions. The theory of the law is that the chief executive officer of the institution is responsible to the Board, and all of his subordinates are responsible to him. No influence, political or otherwise, can aid in securing the

appointment or removal of an officer or employee of an institution. Capacity and efficiency in service are the only tests and so long as the subordinate officer or employee of an institution can satisfy his chief in these respects, so long is he secure in his position. The effect of this system has been excellent. The efficiency of minor officers and employees has improved in a marked degree, and the baneful influence of politics has been entirely eliminated. In other words, business principles have been applied in all the departments of institution service.

#### POWERS.

The law invests this Board with power to manage, control and govern the following institutions:

- The State Hospitals for the Insane.
- The Institution for Feeble-Minded Children.
- The College for the Blind.
- The School for the Deaf.
- The Industrial Schools for Boys and Girls.
- The Soldiers' Home.
- The Soldiers' Orphans' Home.
- The Industrial Reformatory for Women.
- The Penitentiaries.

In all fourteen institutions are thus placed under the full control of the Board.

The Board is also directed to investigate the reports and doings of the regents of the State University and the trustees of the State Normal School, and the State College of Agriculture and Mechanic Arts, and to ascertain and report to the legislature whether these bodies have properly accounted for all moneys of the State which have come into their hands, whether they have drawn appropriations in accordance with law and so expended; whether such persons have drawn money for services per diem, mileage, expenses or otherwise not authorized by law or have authorized expenditures without authority of law.



The Board is also charged with the duty of the supervision of all private and county institutions wherein insane persons are kept. It is required to make rules and regulations touching the keeping of such persons, to investigate all such institutions, and in case they fail to comply with the rules it may remove the patients to the State Hospitals or to other county or private institutions, complying with the rules. The Twenty-ninth General Assembly also placed under the supervision of this Board all associations or societies receiving friendless children, requiring the Board to visit and inspect such institutions and gather statistics and information relating to them.

As to the institutions which are fully under the control of the Board, it has power to investigate their management and financial condition; to investigate questions of insanity of patients in state hospitals; to determine when insane persons shall be admitted to state hospitals as state charges; to divide the state into hospital and penitentiary districts.

#### DUTIES.

The Board was directed to prepare a statement showing the cost of operating the institutions for the preceding two years; to make biennial reports to the governor and legislature; to visit all institutions once every six months, and hospitals by some of its members or its secretary once a month; to meet the superintendents quarterly in conference; to gather statistics; to publish a Bulletin; to compel the providing of fire protection and fire escapes; to require all employes handling the money or property of the State to give bond; to require certain officers to make an annual inventory of all the State's property at their institutions and to require a quarterly invoice of all stores and supplies; to annually fix the salaries of all officers and employes of the institutions except the chief executive officers. The legislature fixes the salary of the chief executive officer of each institution, and the Board annually fixes the salaries of all other officers or

employes in them. To establish a uniform system of books and accounts and to require settlement with institution officers; to establish a dietary; to prepare biennial estimates of appropriations needed for the several institutions; to appoint a State architect who shall prepare all plans and estimates for new buildings and to make rules relating to the purchase of supplies.

#### THE SYSTEM OF FINANCIAL ACCOUNTING.

The law enjoined upon the Board the duty of prescribing the forms of records, blanks and accounts and contemplated, so far as practicable, that such books should be uniform in the several institutions. Under the old system there were about as many different systems of bookkeeping—keeping financial account books, as there were institutions. Now the financial accounts are kept in the same manner at all institutions and duplicate books are kept in the office of the Board. No individual accounts are kept. No day book proper is kept. The vouchers which are made in duplicate are kept, one copy at the institution and one copy in the office of the Board. These are bound and constitute the day book. We keep accounts with the State, with the institutions, with all appropriations, general and special, and a separate account with each item of a special appropriation, and accounts under the classifications shown below, viz:

1. Salaries and wages of officers and employes.
2. Provisions.
3. Household stores.
4. Clothing.
5. Fuel and light.
6. Hospital and medical supplies.
7. Shop, farm and garden supplies.
8. Library.
9. Water and ice.
10. Postage and stationery.
11. Transportation of inmates.

12. Miscellaneous expenses.
13. Contingent (support) fund.

As to special appropriations:

1. Deficiency.
2. Extraordinary repairs.
3. Land.
4. New buildings.
5. Transportation.
6. Miscellaneous.

The accounts in the journal are made up as follows: The debit side is charged with all appropriations, general or special; also with the amount which may be remitted from the institution on account of sales of products of farm or shops. The credit side is made up from the pay roll and vouchers. The debit shows the date and amount in each case of the appropriation, and the product sold and its value. The credit side accounts are extended to the credit of the institution or under the several classifications above stated. Every voucher number appears, so that ready reference is had to the voucher itself.

A separate set of books is kept for each institution. Monthly trial balances are made in the Board's office and a copy transmitted to each institution bookkeeper so that mistakes are easily discovered. With this trial balance is also sent a classification sheet showing how the several vouchers have been classified in this office, and the institution bookkeeper corrects any error he may have made in the classification of expenditures.

This simple system of bookkeeping has given great satisfaction, and the result is that the journal entries of the largest institution we have, containing about twelve hundred persons, cover only one hundred fifty pages and fully represent the business of the institution for five years. The system is such that a mistake is well nigh impossible, and if made it is soon discovered and corrected.

## THE SYSTEM OF PURCHASING AND DISBURSING SUPPLIES.

Any one having had much to do with public institutions knows that one great point in their management is to stop leaks, thefts, and waste in supplies purchased. If supplies are purchased in the best and most economical way, and their disbursement is carefully looked after, much money will be saved to the tax payer, while at the same time the care afforded inmates is kept up to a high standard. This subject is very important and I shall consider it under the following sub-divisions:

1. Estimates.
2. Schedules for bids.
3. Schedules of bids.
4. Examination of schedules and samples by the chief executive officers.
5. Awards.
6. Receipt of goods at institution.
7. Pay rolls and vouchers.
8. Storekeeper and his duties.

## ESTIMATES.

Everything purchased and paid for must be credited to the institution under some one of the classifications heretofore named. Nothing can be purchased for an institution unless it has been first estimated for and the estimate approved by this Board and the purchase ordered. The only exception to the above is that we keep in the hands of the head of each institution a fund not exceeding \$250.00, which may be used by him in emergencies specified in the statute, and for which no estimate need be made, but a report of the expenditures out of such fund must be made every month with reasons for such expenditures.

These estimates are arranged in accordance with the classification list of accounts. They show an item number running consecutively through that particular classification

of the estimate. Each item shows what is wanted, the amount, kind, value per yard, or pound, or as the case may be, and the aggregate amount. These items are arranged also under sub-divisions of the classification. After the estimates are finished (they are made in duplicate), they are sent to this Board and may be approved, rejected or modified, as the Board may deem proper. When they reach the office of the Board they are passed by its secretary to the estimate clerk, and she examines them carefully, notes whether the descriptions are correct and definite, corrects errors in the extensions, footings and classification, and attaches a memoranda slip with notes for the information of the Board. They are then examined by the secretary and passed to the Board where they are examined, modified, disallowed or approved, as the case may be. A memorandum of its action is made on a sheet attached to the estimate, and it is returned to the secretary who puts the notes of the Board in formal shape and returns one copy to the institution, retaining one copy in our office.

Supplemental estimates are sent up when articles have been overlooked, or where the supply is insufficient. Re-estimates are required when the article estimated for costs more than the amount originally estimated.

Estimate blanks for purchases to be paid for from the general support fund are printed in black ink; those for special appropriations in red ink; and those for contingent (support) fund on blue paper. These are thus printed to facilitate the work and prevent errors in bookkeeping.

The estimates are sent in as a rule quarterly, and about two months before the beginning of the quarter for which they apply.

#### SCHEDULES FOR BIDS.

After the 10th day of November, February, May and August, respectively, when the estimates are all in, schedules are made up for each institution of all articles estimated


for. These schedules embrace about one hundred different headings, and the articles are placed under the proper headings. The schedules are so arranged as to show the general item number, the estimate number, and the item number in the estimate, the article, quality and measure. Places are left for the bidders to fill in the amount after each item. These schedules are footed for each institution. There is, for instance, one schedule for groceries, but all items of groceries for a single institution are under its heading. Bidders are thus enabled to bid on all articles in their line for one or more institutions as they see fit. Attached to these schedules are printed specifications, and dealers, wherever located, who have made known their desire to bid are furnished schedules.

#### SCHEDULES OF BIDS.

When these bids have been received at the Board's office, they are carefully gone over for the correction of errors or mistakes, in extensions or footings, and if such errors are found the bidder is notified. Then the bids are put on a schedule, showing the name of all bidders on groceries, for instance, the name of the article, the amount bid on it and the aggregate amount of the bid on groceries for that institution. Samples are required of hats and caps, findings, dry goods, clothing, groceries, salt fish, smoked meats, and many other articles. These are all properly arranged in our rooms for examination.

#### EXAMINATION OF SCHEDULES AND SAMPLES BY THE CHIEF EXECUTIVE OFFICERS.

When the quarterly meeting with the superintendents is held and after it is over, the several superintendents take the schedules and examine the prices and the samples and make memoranda of those who in their judgment should be awarded the contract.



## AWARDS.

Some superintendent and one or more members of the Board then make the awards. The successful bidder is notified, and the chief executive officer of the institution is furnished a list of the goods and the price bid on each item. The Board fixes a maximum price on tea and coffee and awards on them are made after a test is made of the goods. The Board also fixes the character and quality of certain goods such as curled hair, rice, prunes, raisins, etc., for all institutions. No goods are shipped except on the order of the superintendent, and then direct to the institution.

## RECEIPT OF GOODS AT INSTITUTION.

When the goods are received at the institution they are checked in by the steward and storekeeper and are entered on the storekeeper's record, and he is required at any time to produce the goods or requisitions showing that they have been properly disbursed. When the goods are thus checked in the steward makes duplicate vouchers for the same which are furnished to the sellers to be verified.

## PAY ROLLS AND VOUCHERS.

An officer of the institution prepares a monthly statement or abstract of vouchers for the preceding month which is forwarded to the Board with the pay rolls of the institution. The pay roll is signed in advance by any person in the employ of the institution. The vouchers and pay rolls when received are passed to a clerk who examines them, sees that the extensions and computations are correct and all vouchers properly verified; he notes any irregularities for the consideration of the Board. They are then passed upon by the secretary and by him handed to the Board for approval. The Board if it finds errors or mistakes corrects them, and if any voucher be improperly verified it is returned for correction. Then the secretary prepares certificates in triplicate showing the name and postoffice address

of each claimant, the amount due him, and the fund out of which it is payable. These are compared with the vouchers and institution certificate and are approved by the Board, and one copy is kept in this office, one copy is sent to the Auditor of State, and one to the Treasurer of State. The Auditor draws his warrant for the gross sum in favor of the Treasurer, and the latter issues his checks and mails same to the parties entitled thereto. The pay roll is paid in one check, made payable to the superintendent who pays the employes.

When the vouchers and pay rolls come before the Board the secretary attaches thereto a slip on which is shown in red ink the balances in the several funds out of which payments are to be made, to keep constantly before the Board the fact as to whether there is a sufficient balance in each fund to pay in full the pay roll and vouchers.

When a bidder has failed to furnish goods up to the standard required by the specifications, but they are healthful and needed for immediate use, the institution takes them, but makes a proper reduction in the amount of the voucher therefor from the contract price.

It will be observed that the Board of Control does not handle any money, and the several superintendents handle none except the \$250.00 support contingent fund, the amount of the pay roll which they disburse, and money received from the sale of products of the farm or shops which they are required to remit monthly to the Treasurer of State.

#### STOREKEEPER AND HIS DUTIES.

The storekeeper keeps a book on one side of which is entered all items received, showing the invoice number, the date, the description of the item, amount, cost per yard, pound, etc., and the total cost. On the other side he shows all disbursements, also the number of the invoice, date, article, amount, cost per yard, pound, etc., and aggregate



cost, and shows to what particular department the article went. Separate account is kept of all principal articles, and by footing the pages "Received" and "Disbursed" of any article, at any time he can tell just what he should have in stock. At the close of every quarter he must take an inventory of all stock on hand, and if the same does not agree with his books it is apparent there is an error which must be rectified. Twice a year an expert accountant is sent from the Board's office to check up all storekeepers. He invoices the stock, reports shortages or surpluses, if any. If there is a shortage, it must be satisfactorily accounted for to the Board, else the storekeeper must make it good. He lets nothing go without a requisition properly signed by the chief executive officer. These requisitions constitute his vouchers and entitle him to credit. One copy of every requisition is sent to the office of the Board where it is entered on the storekeeper's record for that institution in our office. It is to be remembered that all financial, storekeepers' and statistical books are kept in duplicate, one copy of each being in the Board's office. We get the items of debit for the storekeepers' records kept in our office from the vouchers, and the items of credit from the duplicate requisitions. We are thus enabled to keep constant tab on the storekeeper. He alone has the key to the storeroom and is responsible for any goods not properly accounted for.

#### THE GATHERING AND PRESERVATION OF STATISTICAL INFORMATION.

At each institution is kept a statistical record which contains the name of every inmate, the date of their admission, their residence and a multitude of facts relating to their history and that of their family. This book is so arranged as to show the subsequent history of the person while in the institution and his death, parole, release, discharge, as the case may be. Appropriate blanks corresponding to these books are furnished the institution and upon these all the

information is conveyed to the Board when it is from time to time entered in a like record kept in the office of the Board. These statistical books and blanks are alike for the same kind of institutions. We have thus a reasonably full history in our office of every inmate in a state institution under the control of this Board.

OTHER BOOKS REQUIRED TO BE KEPT AND REPORTS WHICH  
MUST BE MADE.

At each institution a book is required to be kept which is called a "Complaint Record." In it all complaints made by inmates, officers, or outsiders touching the management of the institution must be entered, with the action taken thereon by the chief executive officer. Monthly reports of these cases are made to this Board. At the hospitals for the insane and the penitentiaries there is required to be kept what is called a "Mechanical Restraint Record," wherein must be entered a memoranda of each case where restraint has been applied, the character of the restraint, the duration, cause thereof, and its effect.

At the penitentiaries and industrial schools records are required to be kept of all cases of punishment by means of mechanical restraint or otherwise for infractions of the rules. In all the above cases monthly reports must be made to the Board upon blanks provided for that purpose. From time to time each institution must report its dietary in detail, showing number of persons fed, quantity of every article used, cost of same, and list per capita per meal per day and per week. Every quarter each institution must report the condition of fire escapes and fire apparatus, showing the result of tests made by fire apparatus and wherein same is defective. Reports are also required showing the loss, destruction or breakage of articles and by whom lost, broken or destroyed, also showing the death of animals on the farm and the cause thereof.

## OTHER MATTERS OF INTEREST.

All books and blanks used at the various institutions in carrying out the system adopted are furnished through the Board and the cost apportioned to the several institutions; in this way only can uniformity be secured.

No new building or improvement can be erected or made which is to cost over \$300.00, except on competitive bids.

The Board appoints an architect who receives a salary of \$3,000.00 and expenses, and who is required to prepare plans and estimates for all new buildings and improvements and look after the construction of the work. Plans are prepared by him for all proposed new buildings for which appropriations are to be asked from the legislature, also estimates for their cost. These are laid before the proper committees for consideration. Formerly the legislature was besieged by all the superintendents, and many of the trustees of the institutions who formed a formidable lobby for appropriations. Now the needs of the institution are presented by the Board and the superintendents devote their time to attending to their respective institution duties.

The chief executive officer of each institution, except the wardens of the penitentiaries and the commandant of the Soldiers' Home, draws food supplies for himself and all members of his family under twenty-one years of age from the institution stores, and he is not permitted to purchase with state funds any articles of food not bought for inmates.

In supplies we buy the best flour, butter and meats obtainable. Fresh beef must be from native steers weighing when dressed from 600 to 800 pounds each. Great care is taken to have all goods of good quality, and the chief executive officer is made the sole judge as to whether articles furnished comply in all respects with the specifications.

Fire companies are organized and drilled at several of the institutions. Forty dollars per month is allowed to be expended by the superintendents of the larger institutions

as extra pay to employes who belong to fire companies. Fire caps, coats, hose carts, hook and ladder trucks and the most modern appliances for fighting fires are provided. At the hospitals each superintendent is authorized to expend sixty dollars per month in extra pay to employes who also play in the band or orchestra and a like allowance of twenty-five dollars per month is made at the Institution for Feeble-Minded Children.

All music and musical instruments asked for, for all institutions, are purchased and musical instructors provided.

There was paid at all of the institutions during the year ending December 31, 1902, for music, musical instruments, repairs to same, for music teachers and instructors, over \$11,000.00.

At the State hospitals and at the Institution for Feeble-Minded Children physical culture teachers and teachers of fancy work are regularly employed.

All officers and employes having the custody of State property are required to give bond. All officers and employes except the chief executive and except those employed on the farm or in shops are required to be uniformed. This conduces greatly to discipline and indicates at once to the stranger those who are clothed with authority.

Semi-annual visits are made by the entire Board to all institutions, and some member of the Board visits the hospitals every month. Thus by visitation, by reports, by checks, by daily correspondence does the Board keep in touch with the affairs at the several institutions. It is the policy of the Board to promote capable and efficient officers to the positions of chief executive officers as vacancies may occur.

#### RESULTS.

This system of control has now been in operation for five years and has proven very satisfactory. It has resulted in paying women nurses and attendants the same wages as men

receive for like service; in improving the character of the service; in bettering the condition of the institutions; in elevating the standard of care afforded to inmates. All this has been accomplished notwithstanding the fact that the legislature, just before we took up the work, reduced the per capita allowances for support of inmates in the aggregate sum of \$100,000.00 per year, and the further fact that nearly all of the time since the law has been in operation the market price of many commodities has been steadily advancing. Over \$109,000.00, which the Board might have drawn for support of inmates remained in the State treasury unexpended on September 1, 1903.

In his first report issued after this Board took charge of the institutions, the Treasurer of State computes the decrease in cost of operating the institutions under the control of this Board during the first year, as compared with the cost of the previous year "under the trustee system at \$379,490.73, or 26 and nine-tenths per cent." . . . . . "This saving, it is fair to presume, was not the result of unwise economies that were detrimental to the institutions. The character of the members of the Board of Control is a sufficient guaranty that such was not the case. They have been the fruits of the application of business principles and methods in the conduct of the fourteen institutions under the Board."

In the last sentence the Treasurer has struck the key note as to how this Board has been able to make such a large saving to the State, and at the same time improve the conditions at the institutions.

DES MOINES, IOWA, March 1, 1904.

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A MEETING of the citizens of Dubuque favorable to the formation of a Library Association, will be held at the Methodist meeting house, on the 10th inst., at 4 o'clock p. m.—*Dubuque Visitor*, June, 1836. .

## ABNER KNEELAND: HIS RELATIONS TO EARLY IOWA HISTORY.

BY MARY R. WHITCOMB.

We have had revolutionary orators, reformers, martyrs; it was but a few years since Abner Kneeland had been sent to jail for expressing an opinion about the great First Cause.—OLIVER WENDELL HOLMES.

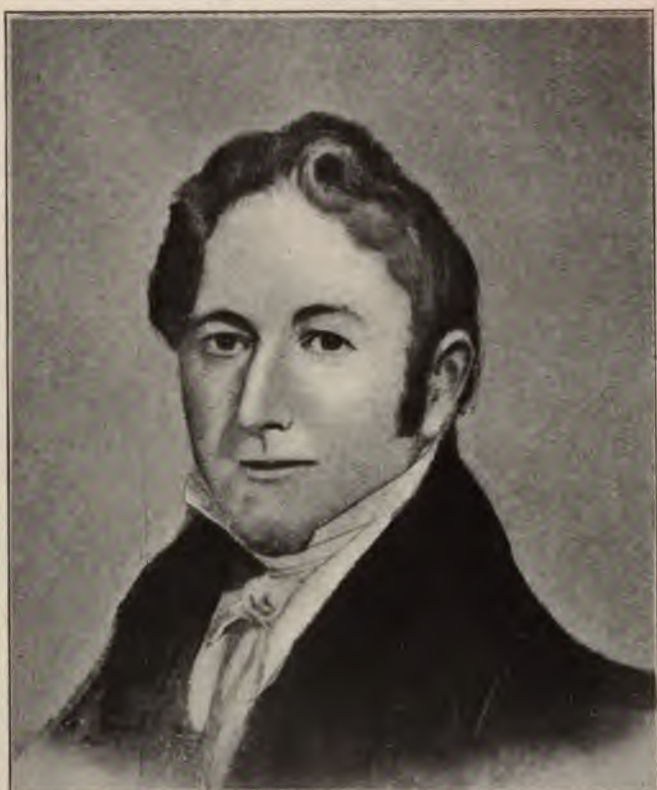
Abner Kneeland, one of the scholars and thinkers of the day.—JUDGE GEORGE G. WRIGHT.

### CAREER BEFORE COMING TO IOWA.

During the earlier part of the last century Abner Kneeland was a name well-known in all parts of New England. According to one's views the man who bore it was praised as standing for freedom of speech and liberty of conscience, or denounced as an "atheist" and "revolutionist" whose dangerous teachings would undermine the foundations of religion and society. He died in 1844, nearly sixty years ago, and it may not be generally known that he spent the last five years of his life in Iowa, and that his remains now lie buried in Iowa soil. Van Buren county claims many distinguished men among her citizens; with them must be numbered Abner Kneeland.

He was born in Gardner, Mass., April 7, 1774, on the eve of the revolutionary war, in which his father served; the fourth son of Timothy and Martha (Stone) Kneeland.\* The Kneelands were originally a Scotch clan, their ancestry dating back to the days of Wallace and Bruce. Abner's early life was spent on a farm, and his educational advantages were limited to the common schools of Gardner and one term in the academy at Chesterfield, N. H. However he acquired much by his own efforts, a knowledge of the Hebrew, Greek and Latin languages, and became a noted preacher and writer.

\*For facts in the life of Kneeland, see "Seven Centuries in the Kneeland Family," (by a nephew, Stillman F. Kneeland, Judge Advocate General of the state of New York), New York, 1897; the writer has also made use of a journal kept by Abner Kneeland with occasional entries from 1812-1820.



*Yours Affectionately*  
*Abner Kneeland*

ABNER KNEELAND, 1774-1844; THE ORIGINAL OIL PORTRAIT IS OWNED BY HIS  
DAUGHTER, MRS. BOLER, OF FARMINGTON, IOWA.





When about twenty-one years of age, he went to Dummerston, Vt., where he worked for a time at the carpenter's trade, and also taught school. While there he was "converted," immersed and joined the Baptist church. For a brief time he preached for the Baptist denomination, but he soon wavered in the faith, and there was talk of dealing with him for heresy. A few years later he declared himself a Universalist in belief and in 1803 he was licensed as a Universalist preacher. He began work in Langdon, N. H. In that town, as was the wont of New England towns, money to sustain religious services was raised by public taxation, and it was there divided between the Congregationalists and Universalists. For a time he preached for both denominations, but on October 30, 1805, he was regularly ordained as pastor of the Universalist church. The Rev. Hosea Ballou, a man brought up in the Baptist faith, but who had become a well-known Universalist, preached the sermon and extended the "right hand of fellowship." Mr. Kneeland's pastorate at Langdon extended from 1805 to 1811. During that period he was elected to the House of Representatives in the New Hampshire legislature, serving in 1810 and 1811. From 1812-14 he was pastor of a church in Charlestown, Mass. Religious doubt again assailed him and he engaged for a time in the merchandise business in Salem, Mass. At his solicitation a correspondence began with his friend the Rev. Hosea Ballou, on the authenticity of the scriptures.\* Ten letters were written by each, when Mr. Kneeland acknowledged satisfaction, and expressed his release from doubt.

He resumed preaching and in 1817 held a short pastorate in Whitestown, N. Y. In 1818 he became pastor of the Lombard Street Universalist church in Philadelphia, where he remained seven years. While there he edited the *Uni-*

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\*Afterwards published, "Series of Letters in Defence of Divine Revelation; in Reply to the Rev. Abner Kneeland's Serious Inquiry into the Authenticity of the Same," by Hosea Ballou. Salem, Mass., 1816; 2d ed. Boston, 1820. (See, "Biography of Rev. Hosea Ballou," Boston, 1853, p. 96).

*versalist Magazine and Christian Messenger*, published a version of the New Testament translated from the Greek, held a debate with the Rev. W. L. McCalla, on the subject of universal salvation,\* and lectured extensively. His discourse was almost entirely controversial, as was that of the Universalist ministry everywhere at the time.

Mr. Kneeland was a pioneer in phonetic reform, making, about 1824, an attempt to rid our language of silent letters. He originated a new alphabet with a character for each vowel sound and claimed for his system that it abridged the language one sixth part; that children could learn it in one tenth the time ordinarily required, and that it would lessen the size and expense of books. In 1827 he published a "Key to the new System of Orthography," and advertised it extensively during the following year, giving many specimens to the public.† The system received recommendations from ministers, lawyers, doctors, teachers, principals of select seminaries for young ladies, etc. On the other hand it was characterized as visionary and impracticable, and such notices as the following must have been discouraging. "We would remind the ingenious inventor of these elegant hieroglyphics, that two things are wanting in order to secure the success of his plan; one is public opinion and the other any possible utility to be derived from its adoption."

On leaving Philadelphia he took charge of the Prince Street Universalist church, New York city. In 1827, while pastor of that church, Mr. Kneeland's boldness in preaching caused uneasiness and finally led to a serious division among the members of the church and to his resignation. He at once became the leading editor of the *Olive Branch*, a Universalist weekly paper, published by the New York Universalist Book Society, of which he was then president. The title of the paper seems a misnomer, for although its pages were embellished by the cut of a dove bearing the emblem

\*Afterwards published in book form.

†A specimen is given in the *Olive Branch*, May 19, 1827, p. 8.

of peace, it was largely devoted to controversy. Kneeland's differences with the New York church, and later with the Hudson River Universalist Association, were given much space, and referred to again and again. He had, however, many sympathizers and in June, 1827, the Second Universalist Society of New York\* was organized, and the Rev. Abner Kneeland established as pastor. Services were at first held in Tammany Hall, and later in the new Masonic Hall. About this time Mr. Kneeland became sole editor of the consolidated *Olive Branch and Christian Inquirer*, a weekly devoted to "free inquiry, pure morality and rational christianity." He grew more outspoken in his religious doubts, which finally obtained the mastery. The Universalists refused longer to recognize him as a preacher, and in May, 1829, after nearly twenty-five years of ministerial labor he suspended himself from the church, giving a clear and dignified statement of his position. The immediate influence at this crisis was the reading of the works of Joseph Priestley, the eminent physicist. He states that in reading the "Disquisition on Matter and Spirit," he became a materialist and "in spite of all his efforts to prevent it, the whole fabric of Christian evidence was completely demolished in his mind, without leaving even a wreck behind."

In April, 1831, Abner Kneeland founded a weekly paper in Boston, the *Investigator*,† an organ of free thought, and became the leader of the First Society of Free Enquirers in that city. The society was organized with officers, auditor, treasurer and trustees, and held meetings in Julien Hall. This movement is probably explained by the fact that about this time Mr. Kneeland was closely associated with the two reformers Robert Dale Owen and Frances Wright.‡ A full account of the ideas for which they stood

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\*The constitution of this society is published in the *Olive Branch*, June 30, 1827.

†The *Investigator*, "anti-religious," is still published weekly at Boston.

‡Frances Wright (afterwards married to M. Darusmont), philanthropist and reformer, was born in Dundee, Scotland, Sept. 6, 1795. She early adopted the philosophy of the French materialists; was in the U. S. 1818-21; visited France at the invi-

and of the experiments at New Harmony, Ind., and Nashoba, Tenn., is found in McMaster's history.\* "‘Fanny Wright Societies’ were formed in many towns and cities, the reforms she advocated were seriously undertaken, and New York city made the centre of the new movement. To it in 1829 the *New Harmony Gazette* was removed and issued as the *Free Enquirer*."† As early as 1827 Kneeland's "Owenism" was mentioned. While the *Free Enquirer* was being published in New York, he was editor of the *Olive Branch* in the same city. Frequent communications from him and frequent notices of his meetings appear in the former paper, and he often exchanged with Robert Dale Owen in addressing their respective congregations.

On the occasion of the celebration of Thomas Paine's birthday, Jan. 29, 1833, in New York city, "Abner Kneeland and his co-adjutors in Boston"‡ were publicly toasted, as were Robert Dale Owen and Frances Wright Darusmont. In Providence, R. I. on the same occasion, this toast was proposed—"Frances Wright, Robert Dale Owen and Abner Kneeland, champions in the cause of human emancipation. May they never lack for support."§ In Philadelphia also, toasts were proposed to "Abner Kneeland—the greatest obstacle in the way of the New England clergy" and to "Ballou, Palmer, Godwin, Taylor and Kneeland—seceders from the ranks of Priesthood."§

In March, 1837, Abner Kneeland and Frances Wright Darusmont were associated as editors of the *Investigator*; the latter retired in 1838 leaving Kneeland sole editor, who contin-

tation of Lafayette; returned in 1823 and purchased 2400 acres of land in Tenn., where she made her experiment for the betterment of the colored race. Later she was associated with Robert Dale Owen in the New Harmony, Ind., communistic enterprise. She lectured on religious, political and social questions. Her freedom of speech caused great opposition from church and press. She died in Cincinnati, Ohio, Dec. 14, 1852.

\*Vol. 5, chap. 43.

†"History of the People of the U. S.," vol. 5, p. 99.

‡*Free Enquirer*, N. Y., vol. 5, p. 124.

§*Free Enquirer*, N. Y., vol. 5, p. 135.

§*Free Enquirer*, N. Y., vol. 5, p. 160.

ued as such until December 25, 1839, when he was succeeded by Horace Seaver. The heading of the paper in 1837 included these words: "issued every Friday under the superintendence of a society of gentlemen," "devoted to the protection and development of American principles" (later "liberal" was substituted for "American," and in May, 1842, "infidel" for "liberal"); "truth, perseverance, union, justice—the means; happiness—the end. Hear all sides—then decide." The paper took advertisements more cheaply from those who supported it than from others, and at one time the price of subscription was announced as varying from \$2 to \$5 per annum according to the means of the subscriber. There was always a large amount of contributed matter, and the vogue of the paper seems to have been largely among the common people. In one article he calls the farmers and mechanics the "bone and muscle of the community," and he evidently thought of his paper as a democratic one. It reached the west quite extensively. He made frequent complaints that subscribers were in arrears, and after retiring from the editorship he writes that he is afraid the paper must stop. Meetings of friends were called several times to see whether the paper could still continue. The prospectus of February 22, 1839, however, states there were at that time over 2,000 subscribers and that the paper began with only 250. From the first the paper attracted attention and met with pronounced opposition.

Those were stirring times in the intellectual and religious life of New England, with Harvard as a center. A group of brilliant men were speaking and writing in the interests of new and broader movements of thought. Among these were William Lloyd Garrison, Theodore Parker, O. A. Brownson, George Ripley, Alcott, Channing and Emerson. The ideas of the French revolutionary period were prevalent, and Adam Smith, Rousseau and Paine were much read. Among the signs of the "general ferment" of the times was

Abner Kneeland's *Investigator*, "its temper that of Thomas Paine, but more negative in theology."

Kneeland was finally arrested on the charge of blasphemy. The article objected to was written by himself and published in the *Investigator*, December 20, 1833. It read as follows:

1. Universalists believe in a God which I do not; but believe that their God, with all his moral attributes (aside from nature itself) is nothing more than a chimera of their own imagination.

2. Universalists believe in Christ, which I do not; but believe that the whole story concerning him is as much a fable and fiction as that of the god Prometheus, the tragedy of whose death is said to have been acted on the stage in the theater in Athens five hundred years before the Christian era.

3. Universalists believe in miracles, which I do not; but believe that every pretension to them can be accounted for on natural principles, or else is to be attributed to mere trick and imposture.

4. Universalists believe in the resurrection of the dead, in immortality and eternal life, which I do not; but believe that all life is mortal, that death is an extinction of life to the individual who possesses it, and that no individual life is, ever was, or ever will be eternal.

He was tried before the municipal court of Boston, in January 1834, convicted and sentenced to three months' imprisonment in the common jail. He appealed to the supreme court of Massachusetts, and in May, 1834, was tried before Judge Samuel Putnam; the jury disagreeing, the case was again tried, before Judge Samuel Wilde, Nov., 1835; a new trial was moved, the case was continued, and finally in 1838, Kneeland was sentenced to sixty days' imprisonment. The Attorney General of the state of Massachusetts, who argued the case at the final trial, was James T. Austin, who "won imperishable renown" by prosecuting Abner Kneeland and defending the murder of Lovejoy. The defendant claimed that the act against blasphemy on which the indictment was founded, was contrary to the constitution of Massachusetts, and also in conflict with and contrary to the laws on naturalization made by Congress. He also denied that the objectionable words, if construed as he meant them were blasphemy. "I had no occasion to deny that there was a God; I believe that

the whole universe is nature, and that God and nature are synonymous terms. I believe in a God that embraces all power, wisdom, justice and goodness. Everything is God. I am not an atheist but a pantheist."\*

A full report of this trial, "the inquisition of Boston," is found in Pickering's *Mass. Reports*, vol. 20, pp. 206-46; Mr. Andrew Dunlap's speech for the defence (begun at 12 o'clock Tuesday and concluded at 4 p. m. Friday) was printed and widely circulated. "It advanced a manly exposition of the rights of conscience." Mr. Kneeland's speech in his own defence was printed (J. Q. Adams, Boston, 1836); the arguments of S. D. Parker, Attorney for the Commonwealth were also published (Beals, Homer & Co., Boston, 1834).†

The conviction and imprisonment of Kneeland raised a storm of protest. A petition signed by 168 persons, William Ellery Channing's name heading the list, was presented to the Governor of Massachusetts. It asked for unconditional pardon. It was in turn bitterly attacked, a remonstrance was circulated and it was rejected by the Governor and council. "Nevertheless, it exerted a wide and permanent influence. It was an assertion by Christians of the equal rights of atheists to freedom of thought and speech. It did a good work in educating the public mind. And there will never, in all probability, be another prosecution for atheism in Massachusetts."‡ It is interesting to note some of the comments made at the time. An editorial in the *Windsor, Vt., Statesman*, declared that if Kneeland could not speak his mind the very cause for which the Pilgrims came was overthrown; "With Mr. Kneeland's principles we have nothing to do. We believe them wrong; but the Constitution throws its broad shield

\*Pickering's *Mass. Reports*, vol. 20, p. 209.

†See also "Appeal to Common Sense and the Constitution, Occasioned by the Trial of Kneeland for Blasphemy." Anon., Boston, 1834. "Introduction to the Defence of Abner Kneeland, charged with Blasphemy." Boston, 1834. Speech in his own defence Nov., 1834. "Review of the Prosecution against Kneeland." D. Henshaw. Boston, 1835.

‡"Life of William Ellery Channing," Boston, American Unitarian Asso., 1899, p. 306.

over and around him as well as his persecutors. He has his constitutional rights and these have been trampled upon." Garrison denounced the trial as "a disgrace to the Commonwealth of Massachusetts, and a proof of the corruption of modern Christianity."\* Mr. Garrison had reason to feel kindly toward Kneeland, for it was at Julien Hall, at the latter's invitation, that his first anti-slavery lecture in Boston was delivered, October 15, 1830. For two weeks Garrison had tried to secure a place in which to lecture, and he finally placed an advertisement in the *Courier*. "This appeal was quickly answered, but not by any of the Christian ministers or churches of Boston. It was left for a society of avowed 'infidels' to save the city from the shame of sealing all its doors against the slave's advocate."† About this time Theodore Parker, writing to a classmate, says, "I detest this bolt-and-shackle business as applied to thought. Pray let men think as they please, without fearing the stocks, if they do not think just as their fathers did a thousand years ago."

In July, 1838, Emerson delivered his famous address before the graduating class of the Divinity School of Harvard. It was considered rank heresy. Theodore Parker again writing of "our old friend Kneeland" says: "Abner was juggled for sixty days; but he will come out as beer from a bottle, all foaming, and will make others foam—the charm of all is that Abner got Emerson's address to the students, and read it to his followers, as better infidelity than he could write himself."‡ The International Cyclopedia speaking of this trial says: "There has been no prosecution under the statute since that day, though hundreds of men have avowed their disbelief in God in terms far more offensive than those used by Mr. Kneeland. Public opinion upon the freedom of the press has greatly changed."

A curious commentary on those times is found by read-

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\*Boston *Liberator*, vol. 8, p. 107.

†"William Lloyd Garrison," N. Y., The Century Co., 1885, vol. 1, p. 212.

‡"Memoir of Bronson Alcott," Boston, 1893, vol. 1, p. 231.



ing the address of the Attorney of the Commonwealth, made at the trial. It is full of extravagant denunciation of the "pernicious doctrines" of Robert Dale Owen and "Fanny" Wright, and of Kneeland as their "Lieutenant General." The jury is urged to let nothing prevent their "seeing and abhorring Abner Kneeland and his detestable dissemination of obscenity, and impiety and blasphemy—this defendant who may be considered from his acts and doctrines to be the common enemy of the human race."\* To most readers at this day the extreme bitterness seems ludicrous as well as unpardonable. One thinks of the tribute paid Frances Wright in the Dictionary of National Biography (London), "It is to Frances Wright's lasting honor that she was almost the first to discern the importance of the slavery question, and to endeavor to settle it on a basis of amity and good feeling, to the mutual advantage of all concerned," and of Mrs. Trollope's description of her "tall and majestic figure, the deep and almost solemn expression of her eyes, her finely formed head." As to the private character and morals of Abner Kneeland, they were above reproach. The thoughtful person can imagine his bitterness of soul at the injustice and humiliation heaped upon him, and wonders how he could ever recover from it. It is probable he never did. His influence waned. Although the best men of the day were champions of his right to freedom of speech, and denounced the injustice of his trial and imprisonment, there is a notable lack of expressions of personal friendship. Furthermore, his frequent changes of belief doubtless alienated those blessed with more stability.

#### CAREER IN SALUBRIA, IOWA.

In 1839, Abner Kneeland came to the new, far-a-way Territory of Iowa. The east had persecuted and imprisoned him. He turned to the west for freedom and understanding; where, alas, he found much of the same intolerant spirit.

\*"Report of the Arguments of the Attorney of the Commonwealth at the Trial of Abner Kneeland." Beals, Homer & Co., Boston, 1834, p. 35.

In 1837 or 1838, it appears that the First Society of Free Enquirers of Boston, of which he was leader, formed a plan to found a colony in the west, and selected as the site, a place two miles south of Farmington, Van Buren county, calling it Salubria. The members interested evidently drew lots for land already accessible, expected to send out Kneeland and other commissioners and to get more land through them. A local history of Van Buren county states that an assessment of ten dollars was levied on each member to further the scheme.\* Many questions arise as to the nature of the society (probably one of the "Fanny Wright" societies) and of its western project. Accurate information is hard to obtain, but the plan for a colony in the sense of an organized association, for some reason never materialized. The settlement at Salubria was largely Kneeland's personal enterprise. The statement that "Abner Kneeland of Boston planned a socialistic commonwealth in the Des Moines Valley,"† is, however, erroneous. There was nothing either socialistic or communistic about Salubria. It seems probable that Kneeland published a prospectus of Salubria in some of the papers in which he was interested, between the years 1837 and 1839, but only the following notice has been found. It appeared in the *Investigator* May 11, 1838. Tyler Parsons was doubtless one of Kneeland's business agents.

#### NOTICE TO EMIGRANTS.

The subscriber having recently arrived in Boston from the Far West, viz., Salubria Village, on the Des Moines river, south part of the Wisconsin Territory; and having purchased claims on lands for himself and others, the plan of the village will be executed immediately. A few of the village lots will be for sale. Actual settlers will be preferred. The lands in that region will be in the market soon. Any person wishing to be located in that healthy country may have an opportunity of purchasing a lot to locate their families in the village, until the lands shall be in market, as no person can well locate themselves in the purchase of a farm without taking time to ascertain all the circumstances relating thereunto.

\*"History of Van Buren County," Chicago, 1878, p. 464.

†ANNALS OF IOWA, 3d ser., vol. 1, pp. 348-9.

Any information relating to the subject of emigration to Salubria or any other place in the west, in possession of the subscriber, will be given with pleasure. Place of residence—dwelling home at the corner of Scott's Court, leading out of Union street, Boston.

April 23, 1838.

TYLER PARSONS.

Nothing thus far found in the Van Buren county records, in the acts of the Iowa Territorial Legislature, or in the acts of Massachusetts (where the plan for the colony was made), leads to the conclusion that there was any corporation, municipal or private, which might have held title to any town site. Salubria was in its best days only a cluster of farm houses; it never developed into a town or trading point. Mail was sent to Farmington.

It is probable that the plan for a colony at Salubria was the first plan ever made for colonization in what is now the State of Iowa. At that time it was customary for towns to appear on paper before a house had been erected on their sites. These imaginary places were at a later time derisively called "stake towns." The plat of Salubria was lithographed on paper in Boston, but the writer has failed in the effort to secure a copy. Mr. E. R. Harlan, of the Keosauqua bar, a close student of the history of his county, has with great care searched for and copied the transfers of land owned by Kneeland, on file in the Recorder's office in Van Buren county.\* These form the data from which he hopes to be able to reconstruct the original plat of

\* Abner Kneeland  
to  
Silas Smith.

Bill of Sale  
Sept. 28, 1840  
filed Sept. 29, 1840

Salubria, September 28, 1840. Mr. Silas Smith bought of Abner Kneeland all the personal property now in the possession of Abner Kneeland and Dolly L. Kneeland, viz: 1 horse valued at 50—4 cows at 25 each 100—4 yearlings valued at 8-32—4 calves valued at 3 each 12—1 waggon, harness and saddle 30. 20 hogs and 20 pigs 2 80—1 secretary and book case 30—a private library consisting of upwards of 200 volumes 100—434.

Received payment.

ABNER KNEELAND.

Abner Kneeland & wife  
to  
Elisha Cutler, Jr.

Warranty Deed  
July 25, 1840  
Filed Jan. 5, 1841

Certain lands in Lee county and "The north half of lot 8, and lots 13 and 14 of the front lots in Salubria, according to the first drawing, etc., as shown by a plan in the hands of Abner Kneeland and B. F. Tower."

*[The page contains faint, illegible markings and noise.]*





ABNER KNEELAND'S GRAVE IN FARMINGTON, IOWA, TO WHICH HIS REMAINS WERE REMOVED FROM SALUBRIA IN 1881.

ing to Iowa he makes many complaints that he is not receiving the paper and he seems to have taken always a paternal interest in it. A few passages or topics from his letters are quoted. The date of writing is given; they were generally printed a few weeks after, mails being slow and not very reliable.

May 19, 1839, (first from Salubria). "We struck bottom on the Des Moines river more than 100 times. Altogether the country is the best, and most beautiful I ever saw. We walked over our premises to-day, in company with the original proprietor. There is no part but what exceeds my expectation; and if there be any preference, those lots which were drawn to me and Mr. Rice are rather superior to the rest. The community needs a saw mill, grist mill, tan yard, ferry, public house of entertainment, etc." Rivalry with Farmington is recognized and discussed in fair spirit. "If I remain here, which I am now determined to do, unless sickness or death shall prevent, I hope and expect to see very great and rapid improvement going on in a short time."

May 23. "My thoughts are wholly taken up with this wonderful and beautiful country and making provision for my family when they shall arrive."

June 7. "Even aside from the persecution I have endured in my native state, I know of no place in Boston that could afford me half the pleasure, as to the beauty and grandeur of the scenery, as it does to sit in my front door here and look across the Des Moines River; to see the large branching trees on the nearest bank and the beautiful green forest on the opposite side—this wonderful country which is destined to outvie everything which can be even imagined in the East." (Refers to the Mormons.)

June 29. "I have had but very few opportunities as yet, to disseminate any of my views in relation to theology, as I advance them very cautiously: but whenever there is a chance without appearing intrusive I do not shrink from what appears to be a duty—a duty I owe to my fellow beings."

July 21. "I was making hay all last week, and therefore did not write."

August 4. Announces that there is to be a sale of land in October, and gives notice to friends in Boston that they must send him their money if they wish to get it, as everybody on the spot is prepared. (The land sale by the United States Government referred to was postponed to March, 1840, and there is no communication from Kneeland about it.)

August 18. "I had occasion to go to Farmington yesterday (Sunday); there seems to be some little movement there among religionists, such as prayer meetings, Sunday schools, etc., but I think they will not amount to much."

November 25. Reports death of Capt. John Kendall\*—buried at his

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\*Father of Mrs. Elisha Cutler.

own request in the year and. Kneeland officiated at the funeral and spoke appropriately with great satisfaction."

January 24, 1840. On the occasion of Thomas Prince's birthday: on continuing the *Homestead* in the Missouri boundary.

About this time Mr. Kneeland became active in Iowa territorial politics, which may account in part for the discontinuance of the letters. It is also probable that friends in Boston lost interest in the instant settlement. Mr. Kneeland was a Democrat and in 1840 became a candidate for member of the upper house of the Iowa territorial legislature, then known as the Council. A Democratic meeting was held at Salina, April 7, 1840, with Zina Round, Jr., as chairman, Enos Cutler, secretary. Among twelve resolutions adopted by the convention, numbers 5 and 11 read as follows:

I. *Resolved*, That in addition to the general invitation as above, Messrs. A. Kneeland, Z. Round, Jr., S. Smith, B. F. Tower and B. Wise, be and hereby are appointed to attend and represent this meeting at the said County Convention, where we trust, will consider it their special duty to attend.

II. *Resolved*, That Messrs. A. Kneeland, S. Smith, and B. F. Tower, be a standing committee for one year to call future meetings whenever it shall be thought expedient.\*

The democratic ticket nominated at this time, in Van Buren county, for the 3d legislative assembly, was: Council, Gideon S. Bailey, Abner Kneeland; House, Zina Round, Jr., John M. Whitaker, William Steele.† The ticket as elected was slightly changed: Council, Gideon S. Bailey, James Hall; House, Isaac N. Lewis, John M. Whitaker, William Steele.‡ The Burlington *Hawk-eye and Iowa Patriot* of October 15, 1840, contains this item, "Our old friend, Capt. Hall, beat the notorious Abner Kneeland for the Council in Van Buren county, by a handsome majority." In 1842 the "notorious" Kneeland was again active. He was elected chairman of the Van Buren county demo-

\**Iowa Territorial Gazette and Burlington Advertiser*, April 18, 1840.

†*Iowa Territorial Gazette and Burlington Advertiser*, Sept. 12, 1840.

‡*Hawk-eye and Iowa Patriot* (Burlington), Oct. 15, 1840.



cratic convention, and a ticket was nominated supposed to be in sympathy with his views. Great alarm was felt. Party lines were ignored and many "church democrats" united with the whigs in supporting a union ticket to overthrow the "infidel party." After a bitter campaign the "Kneeland ticket," Council, Gideon S. Bailey, John Whitaker; House, Joseph Wright, Samuel Parker, William Hardy,\* was defeated and the following one elected for the 5th legislative assembly: Council, John D. Elbert, James H. Jenkins; House, Isaac N. Lewis, R. D. Barton, Samuel Swearingen.†

What part of the opposition was due to the fact that the "Kneeland ticket" was democratic and what part due to the religious views it was supposed to represent it is hard to determine. One editor regretted that a "mongrel ticket" had been nominated in opposition to these gentlemen, and learned with surprise that the ticket was to be buoyed up by religious excitement; he says, "We hope sincerely that the good people of Van Buren county are not so far gone in bigotry as to attempt a conjunction of church and state—religion and politics."‡

Dr. Gideon S. Bailey, the last surviving member of the democratic convention of 1842, died in November, 1903. Capt. Frederick Hancock, who died in October, 1903, was also a member of the convention and speaks thus of Kneeland: "He was a man of unimpeachable integrity and pure morals in social life, but saw in every effort made by those who differed with him a determination to bind his conscience." Of the convention Capt. Hancock says: "I was a member of that body and Mr. Kneeland, a fine looking, venerable, white-headed man, was quietly sitting by the table when the meeting began. Some one proposed him for chairman and it carried unanimously."

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\**Lee County Democrat*, (Ft. Madison), July 9, 1842.

†*Lee County Democrat*, August 6, 1842.

‡*Lee County Democrat*, July 9, 1842.

After coming to Iowa, Mr. Kneeland taught school for a short time in Helena, Arkansas. Judge James M. Hanks of that city, writes as follows:

Mr. Abner Kneeland taught school here for several months and I was one of his pupils. It must have been in 1841, '42 or '44. He taught a common school, none of his pupils being over 10 or 12 years of age, and not well advanced for their years. He was I think competent and faithful, but very kind-hearted and indulgent. This may have been because of his advanced age. After he had been here some time, he spoke of his religious convictions but he was not offensive to his patrons in the declaration. He was above medium height, broad-shouldered, with florid complexion and very white hair. His pupils liked him very much because of his gentleness and kindness and their parents were satisfied with his work. He taught his school in the Methodist church, large, commodious, new, which in the absence of any other suitable or available building had been secured by the parents for his use. It was blown down, and totally destroyed in a storm and as no other suitable building could be secured Mr. Kneeland left.

In 1843, the "Iowa Band," a group of young Andover men, arrived on Iowa soil to preach the gospel. A few paragraphs from their writings will show how they regarded Kneeland and his followers. The Rev. Reuben Gaylord has this to say of Farmington and vicinity:

This place was situated in a delightful section of the country, on the Des Moines river, and in a few years was surrounded by a dense population. To the east bank of this beautiful stream came Abner Kneeland with a company of his followers, bringing with them the rankest atheism and infidelity, with Paine's Age of Reason and an atheistical catechism for their Bible, and pamphlets and newspapers of a similar character. They settled down about one mile from Farmington, and named the place Salubria. Kneeland boldly declared that there should be no Sabbath law in Iowa, and he and his followers determined to have nothing of a christian character about them so far as they could prevent it. In November, 1843, Rev. Harvey Adams, one of the Andover Band, took up his residence in Farmington. A better man could scarcely have been found. Many believed and his efforts were blessed to the conversion of not a few of Kneeland's deluded followers.\*

New as Iowa was, there were ten places of ingress; a hundred families a day were pouring in. Four weeks planted ten thousand souls on the New Purchase. In 1841 the vigilant picket guard at Denmark had seen the westernmost gospel outpost established at Brighton, and his eye

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\*"Life and Labors of Rev. Reuben Gaylord," by his wife, Omaha, 1889, pp. 105-106.

thenceforth was on the rich valley of the Des Moines. Kneelandism was popular but new settlements made liberal offers out of their poverty for the preaching of God's word. Atheism and Mormonism were then striving to get possession of our fair territory. One boasted that Tom Paine's Age of Reason would soon take the place of the Bible in all families of Iowa. Another that Mormonism would soon rise to the sovereignty in church and State. But twenty-one years have scarcely left a vestige of either.\*

About this time Mormonism was sanguine. Its apostles were everywhere traversing the new settlements with a zeal and success at once astonishing and alarming. Infidelity too was presenting a bold front under the leadership of Abner Kneeland. He had settled with a band of his followers, male and female, upon the banks of the Des Moines, to mould if possible the faith of the new settlers by "substituting," as one has said, "Paine's Age of Reason, for the family Bible, the dance for the prayer-meeting, and the holiday for the Sabbath."†

The Rev. Daniel Lane, who went to Keosauqua in 1843 says:

At this early period, Van Buren county was considered one of the most important counties in the Territory, made so by both the number of its inhabitants and by the fact that it was the home of Abner Kneeland, and his infidel colony. Mr. Kneeland often lectured in Farmington, Bonaparte, Bentonsport and Keosauqua in the interest of his peculiar views and, of course, in opposition to Christianity. In entering upon my ministerial work in Keosauqua, however, I very soon made up my mind that the fundamental truths of the Gospel, and their practical bearing and influence in society, were what the people needed more than any discussion upon infidelity. This decision I saw no reason for reversing during my ten years of ministerial labor in the town.‡

The Rev. Harvey Adams was the member of the band located at Farmington, and consequently the one most closely associated with Salubria. It is an interesting fact that when Mr. Adams was a boy, his father carried on the farm belonging to Mr. Kneeland's father-in-law, in Alstead, N. H., and the two families lived in the same house. Their mother having died, Mr. Kneeland's three children lived with their grandparents, and were often visited by their father. Years afterwards the two men met in Iowa,

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\*"Asa Turner and his Times," by Geo. F. Magoun, Boston, 1889, pp. 220-21.

†"The Iowa Band," by Ephraim Adams, rev. ed., Boston, p. 55.

‡"History of Van Buren County," Chicago, 1878, p. 475.

under very different circumstances. Mr. Adams' daughter, Mrs. E. A. Babcock of New Hampton, Iowa, writes thus of their relations. "In an early day he (Mr. Kneeland) was a dangerous enemy to my father, but became a kind friend later. He and my father had many arguments on the subject of religion. He was a man of strong personality and very bright."

Abner Kneeland died suddenly at Salubria, August 27, 1844, at the age of seventy. The first notice of his death in the *Investigator* appears September 25, 1844, the issue of that date being in part heavily ruled in black. An editorial praises him as an exemplary moral man, a good husband, father and citizen. It states his theology as follows: "He rejected theory after theory until he finally rested on the faith of a universal God—a one God—all things God—if a God there were, but of this being we could know nothing, and from him we had nothing, independent of this economy of things, to hope or fear."

Kneeland's death was the final blow to the Salubria settlement and it is now a waste place. He was four times married, and was the father of twelve children. His last marriage occurred in 1834 to Mrs. Dolly L. Rice, who with their oldest daughter, and her four children, James W., Dorcas, Dolly and Hannah Rice, followed him to Iowa. Two children were born in Salubria. A daughter, Mrs. Susan Rice Boler, resides in Farmington, and several grandchildren live in the State. Nearly all are members and workers in Christian churches. A chapel stands on ground once belonging to the "infidel settlement," in which a Sabbath school is held, presided over by a granddaughter of Abner Kneeland. The influence, however, that emanated from Salubria is undoubtedly felt in Van Buren county even at the present day, but in no aggressive form.

Among those associated with Mr. Kneeland were Silas Smith, B. F. and O. Tower, Capt. John Kendall, Samuel T. Twombly, Mrs. Pratt (afterwards Mrs. J. J. Kinersly of

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Keosauqua) and Elisha Cutler. Others sharing his views gathered about him and established homes in Van Buren county. They came west "in order to live and act as they wished with no one to molest."

For information regarding Abner Kneeland's life in Iowa, the writer is indebted to Mr. Voltaire Paine Twombly\* of Des Moines, Captain of the Second Iowa Infantry, and for six years, 1885-91, State treasurer of Iowa, whose parents and uncle (Silas Smith), were prominent members of the settlement at Salubria, and whose cousin married James W. Rice, Kneeland's step-son. His father Samuel T. Twombly was at one time a Methodist minister, but adopted atheistical views. In 1838 he taught school in New Harmony, Ind., doubtless attracted hither by the Robert Dale Owen community; his school was held in the apartment used by the Working Men's Institute. In 1839 he went to Salubria and became a devoted admirer of Kneeland. A poem on Intolerance written by him closes with these lines:

Kneeland!—Freedom's best and noblest guide,  
Oh why do railing bigots him distress  
Who cries, "hear all sides—then decide,"  
Bold and mighty champion of the press!

Mr. Twombly died at his home, "Ferney," near Salubria, in 1842, at the age of 25. Mr. Kneeland wrote an extended notice of his death for the *Investigator*, and requested all liberal papers to copy. In it he speaks of Mr. Twombly's devotion to the "cause of infidelity" and says, "to show his strong attachment to those sentiments, he named his son Voltaire Paine and the place of his birth Ferney, that being the name of the residence of the great philosopher Voltaire."

Elisha Cutler, served as clerk of the district court in Van Buren county, and in 1846 was elected the first Secretary of State of Iowa. James W. Rice was at one time mayor of Farmington, and for years Justice of the Peace.

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\*Capt. Twombly on August 19, 1903, delivered an address on Abner Kneeland before the Van Buren county Old Settlers' Association. It was published in the *Keosauqua State Line Democrat*, August 27, 1903.

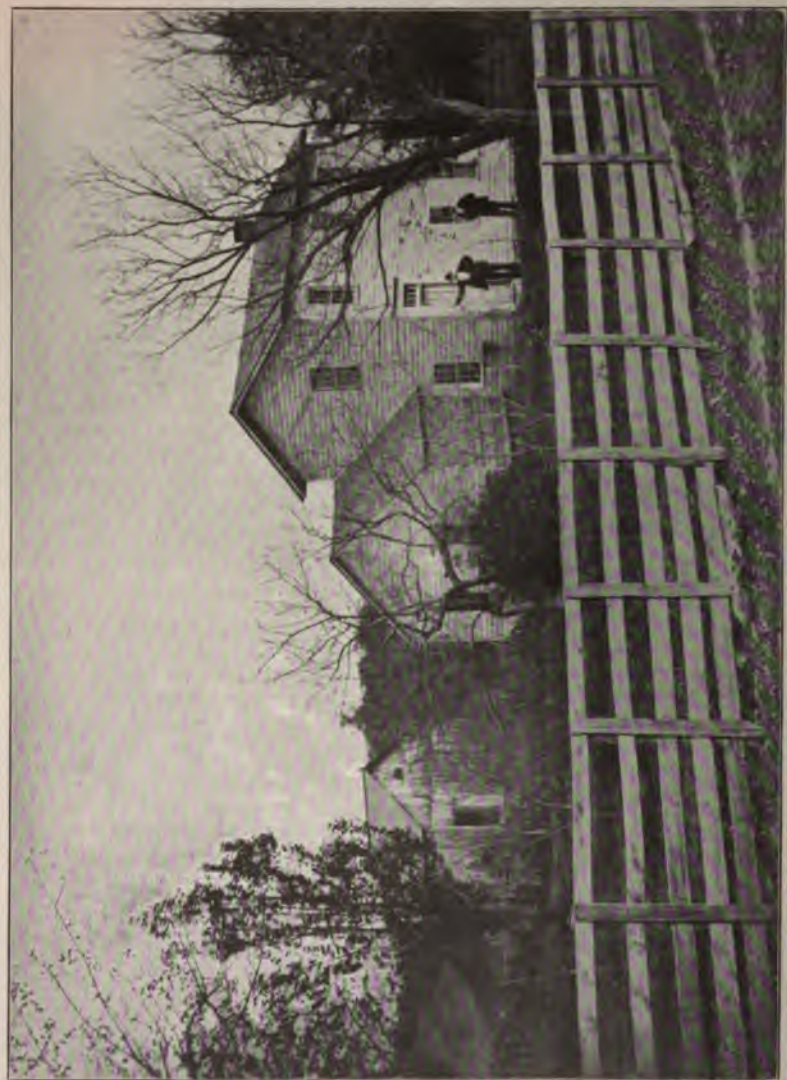
The families in Salubria were large, with many young people and children, and the social element was made much of. All in the settlement were great readers; books and papers were abundant, a condition not always found in pioneer homes. On first arriving Mr. Kneeland lived in a log cabin, as did the other settlers, but with his step-son he soon built the home which still stands. Mr. Harlan gives the following description made from personal observation:

I find the old house in a good state of preservation. It is very necessary to set out some of the environments in order to convey the correct impression of the house itself.

It will be remembered that Kneeland secured his patent from the government in December, 1841. That the Des Moines River country was a most enticing one, and proximity to the Mississippi a most advantageous thing. That the Missouri line, projected eastward to the Mississippi, marked the northern boundary of what was known as the "Half Breed Tract," wherein at that time and for years thereafter title to land was very uncertain. Hence, the first considerable improvement in the valley was adjoining and above this tract. Van Buren county held the first 30 or 35 miles of that valley, and Abner Kneeland secured the very first claim. That is, where the Missouri line intersected the north (or east) bank of the Des Moines River, it (the line) formed the south line of his claim.

The fact that Farmington and Keosauqua had been laid out and somewhat settled, needs only to be suggested to convey the full import of the inferior location of Salubria, else its site had been selected in 1837 by the early pioneers. The inferiority, however, of the Salubria site was one, most likely, of heavier growth of native trees, absence of a good landing on the river, and the unsettled location of the Missouri line. Therefore when Salubria was started it was done in the heart of a forest, on a level belt of bottom land bounded on one side by the river, on the opposite side and half a mile away by the hills, and on the other sides by deep ravines leading from the hills into the river about half a mile apart. A very sugar camp with its sheets of snow and ice in spring, its pond in summer, its tangled growth to be burnt off in autumn, and its solitary bleakness in winter time. Where this plain comes to the river, it breaks down some twenty feet into another belt about a hundred feet wide, which in turn breaks down thirty feet into the channel proper. Therefore the edge of Salubria rested about 50 feet from a level with the water, and a hundred back from its edge. An old trail followed the edge of this higher part, and this was appropriated for a boundary street of Salubria. Then on its north and east sides were laid out the lots, so far as occupied, and back of them the streets and blocks of the town. There were then no openings in the woods. So when the colonists came, their allotments were made with relation to the Half Breed line, measured off, their build-





ABNER KNEELAND'S HOME IN SALDUBRIA, IOWA; BUILT BY HIMSELF AND HIS STEPSON ABOUT 1840.



ix started their cabins actually over  
 . tree stumps they cut away. They  
 one side, through a fringe of tall trees,  
 i looked backward into a dense forest  
 me, and their places taken by prize corn  
 alley (C. R. I. & P.) railroad skirts the hills

Kneeland, was different from the rest, in that  
 the story, one or two rooms, chink-an'-daubed,  
 all with such vulgar woods as black and white  
 wild cherry, this one was framed of these woods,  
 out sheathing, finished and roofed with pine, for  
 kneeland made a special trip to St. Louis, taking boat  
 s (to be) door, and landing the lumber from a boat on  
 his return. It was an immense structure 15x21 feet! A  
 or swung into a hallway about 6 feet wide, a stair rising  
 om the door, and on the right of the hall. The hall led to  
 hich at that time was a lean-to of native boards nailed per-  
 on stringers, and roofed with clapboards. Between the door  
 t of the stair, to the right, a double door led into the "big  
 ing the remainder of the first story without partitions. This  
 oor was in fact two doors closing toward each other, and upon a  
 a piece built stationary, and finished to correspond with the cas-  
 espectively, of the two doors. The paneling was of the vogue of  
 y. Entering you faced the mantel and the fireplace. It was not of  
 large and gaping sort of the neighboring houses, but in conformity  
 n the cold-resisting walls, was built of dainty dimensions of 3 feet wide,  
 .ree and a half high, and 2 feet deep. The mantel piece was a 2x6 pine  
 board, rounded at the end corners, and resting on a 2x3 piece, which in  
 turn rested on the edge of a slab about 2x14x40 inches, whose corners  
 were supported by two columns carved from, I suppose, about a 3x4  
 piece, so as to represent, in a small way, the ordinary ornamental work of  
 that character. The walls were whitewashed mortar on split lath. These  
 were nailed to the studding with their uneven surface far enough from the  
 finished surface of the mortar, to admit of this surface running up flush  
 with the edge of the frame timber at the top, so that when finished the  
 white wall had a border four inches wide at the top, not of tinted paper or  
 painted plaster, but of the axe-marked log on which the joints above  
 rested. It was in this room that the great man had his library, ended his  
 intellectual labors, performed his last marriage ceremonies, enjoyed the  
 last of his happy domestic days and lay down to rest.

Taking the stairs, you landed in a counter-part of the hall below, ex-  
 cept its length was lessened by a narrow, short bedroom above the lower  
 landing. This left a narrow way of about 3 feet by which you walked  
 around the open stairway, and neither this nor the stairs proper were pro-  
 tected by any sort of a balustrade. Turning at the back of the stairway,  
 you entered, by a single door, the counter-part of the "big room" below,

except that the ceiling was lower, and the windows, which in the room below were about three and a half feet from the floor, here were no more than a foot. Here was another fireplace like the one below, and in this room were placed the two or three beds of the many young folks. This was the mansion of Salubria, and as I believe, the grandest house when founded then in Van Buren county, if not in Iowa.

Mr. Aaron W. Harlan, of Croton, Iowa, came into the Des Moines valley in 1834. He is now 94 years of age, and writes as follows his recollections of Kneeland, depending solely on his memory of events that transpired 67 years ago:

I think it was in the fall of 1836, the town of Farmington was new. Henry Bateman kept the only tavern in the place, and I was planning to start my mail route. It was at Bateman's table I first heard the word "Salubria." It was never a laid out town as I understood; only meant for a little village as the home of people of congenial thought on religious matters. At that time banks were shaky and men in Boston that were supposed to have money to spare did not pay up, which fact may have changed plans considerably. The home of Jonas F. Denny had been purchased about two miles below Farmington on the Des Moines river. I think it was intended for each family to be the owner of its respective home. I saw Abner Kneeland many times. Sometimes he was working in his garden with a hoe. He always looked cleaner than the average citizen. I heard him give one lecture and only one, and that was accidental, at the house of old Isaac Gray, just below Athens. He was there by special invitation of most of the citizens of the vicinity. He did not take a text from the Bible or any other book, but his talk was truly interesting to me. He did not at any time manifest a disposition to make proselytes, but any man who wanted to hear something new on religious subjects could wake him up and was apt to wish that he had not done so. He was a medium sized man, about 5 feet 9 and one half inches in height, and must have weighed nearly one hundred and seventy pounds. He was of light complexion and healthy appearance. He was considerably bald, what hair remained being perfectly white. I passed his house many times the first three years he lived in Salubria and called on him in a friendly way some three or four times. He called at my house once when a candidate for member of the territorial council. I went with him to Cassidy's where the speaking was to be. He had no magnetic or hypnotic influence, yet there was about him something that commanded respect.

Abner Kneeland called himself a pantheist, not accepting the name atheist, although repeatedly called so by others. A bibliography of his writings and a review of his editorial work show the mind of an able and versatile, if not

deep, scholar. He was a man naturally of much refinement and gentleness, and his followers were personally devoted to him. He is described as having a fine brow and eyes; as calm, courteous and gentlemanly in manner with a speech plain and direct. The impression among the people near his Iowa home, is that he was much misunderstood and that if he had not been persecuted before coming to Iowa, his peculiarities would not have reached so bitter and excessive a development.

A History of Van Buren county pays this tribute to the founder of Salubria: "Mr. Kneeland was a man of more than usual ability, a radical and individual thinker, and one whose strong opinions amounted to positive convictions. Mr. Kneeland's sincerity, which is conceded, has gone far toward softening the severity of judgment which at one time set in heavily against him, and what was sterling in his character is respected in his memory." An old and venerated minister in the State in writing of him says: "I remember that Abner Kneeland was a scarecrow name in New England, and when he came west sixty-five years ago, but it is long obsolete. I have sometimes thought that there was some excuse for him when 'Brimstone Corner' was made to set the standard of orthodoxy in Boston. We may be thankful that there have been changes in men's minds generally since then 'with the progress of the suns.'"

Although regarded with aversion by many during his life in Iowa Territory, 1839-'44, time has changed this feeling. Many now hold the various beliefs that he held without arousing opposition, comment or even curiosity.

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THE TIDE of emigration is pouring in upon us an immense number of families this spring. Every steamboat from below is crowded with passengers. We have had twenty-five different arrivals by sixteen different steamboats.—*Dubuque Visitor, May 11, 1836.*

their claims adjusted. Mr. Street very reluctantly consented to this. (See Correspondence of Gen. Street. (C. Dodge's letter of December 10, 1838). We find no complaint of the findings of this Commission.

In these treaties were also grants of several thousand dollars to the families of sub-agents, interpreters and others. Reilvin, one of the witnesses to the Winnebago treaty, receives in it a grant of twenty thousand dollars for services rendered. This is not a settlement of his account presented to the commissioners later.

The balance of the money is to be invested for the Indians at five per cent, and the interest paid them yearly part to be paid in money, a part in goods, and a small part for schools.

The differences in the two treaties signed in the fall of 1837 lies in such details in the Sac and Fox treaty as \$20,000 to be paid in goods *at cost*; \$10,000 for the erection and support of two mills and millers for five years; \$24,000 for breaking ground, and \$2,000 for laborers. These provisions were for the encouragement of the Sacs and Foxes in farming. If they could once be helped to make a start they might learn to farm the white man's way; but the undertaking seemed to them too formidable for their unaided efforts. There was also a clause providing \$10,000 to be used for two years until the Indians could get their farms started. This latter clause was not at once carried out, as shown by Agent Street's report in 1838.

The Winnebagoes' allowance for a mill was \$3,000, for breaking ground \$10,000, and for provisions the same \$10,000. Out of their interest \$3,200 is to be paid for the school.

Agent Street says in his report of 1838, after describing the country retained by the Sacs and Foxes after the treaty of 1834 as about 140 miles square, Racoon Forks being about 50 miles interior:

It would be difficult to say how these Indians are employed, whether in the chase or in farming. Since their return from Washington last November, the whole of the two tribes have done little else than live upon the presents of horses, etc. given them, drink whiskey, and live among the white settlers on their borders and in their country; for great numbers of the whites are settled in the Indian country and going in and out continually. Notwithstanding this, the squaws have raised great quantities of corn, beans and pumpkins.

The Foxes have spent about 250 acres in cultivation and raised about 7,500 bushels of corn.

The Sacs have 260 acres in cultivation and raised about 6,000 bushels of corn, besides beans and pumpkins.

The Foxes have during the summer hunted and killed some game to eat; the Sacs have not attempted to hunt, the country in their immediate vicinity being very destitute of game; and at one time in June, July and August, I thought the whole tribe would perish for provisions before the corn would arrive at a situation to be used. This state of the nation is traceable to two causes: first, the treaty provision for \$5,000 worth of provisions to be given them for two years being (to them unexpectedly) withheld; and second, the dispensing among the chiefs and braves of large quantities of intoxicating drinks by the small dealers and border settlers, which later came in shoals with accounts to the payment of annuities, on the 8th instant, and have large claims to be presented to the commission on the treaty stipulations of 1837 (setting apart \$100,000 to pay claims). In order to curry favor and keep up an influence with the Indians, all this year great quantities of whiskey have been freely dispensed to the Sacs and Foxes, beyond anything that has occurred since my first acquaintance with them in 1834; and although I have under the instructions of the Commissioners of Indian Affairs, located their agency among them within their own country, and within an hour's ride of their principal town, I have little hope that any good can be done the Indian unless some more efficient plan can be adopted to exclude whiskey and the white people from the Indian country.

At the late payment of annuities, in their own country, there were not less than 100 white men in attendance, and perfectly excluded the Indians from the house the money was to be paid in (a new hewn-log house, unfinished, intended for a council-house) until I several times requested them to retire, to permit the Indians to come in and receive their money. They went out, but took out all the chinking between the logs to look in and see what was going on. After the payment, the Indians paid to these small dealers, whiskey sellers, etc., something over \$12,000 in specie, and the Foxes took \$3,000 to pay the claimants, they said, not there. I mention these facts to show the Department the absolute necessity of the exclusion of the whites, except licensed traders, for the Sac and Fox country; and in relation to these I would add, that the only hope I can entertain of a benefit to the Indians is in the exclusion of all white men, but one trader, from the Indian country, whose goods and prices should be

[illegible]

*"One letter of August 9, 1941 has been found but it is reserved for another session."*

It will be seen from what has been given that Agent Street's life was a constant struggle against the efforts made by unscrupulous persons to defraud and demoralize the Indian. He was by nature hot-tempered and impulsive, he was not, perhaps, at all times as discreet as he might have been, especially in the first few years at Prairie du Chien; but every one who came into personal relations with him was convinced as to his sincerity and great desire to benefit his wards; he looked upon them as helpless, wayward children put into his care. The conviction of his sincerity was undoubtedly what made such men as Col. Zachary Taylor and Maj. Ethan Allen Hitchcock his devoted friends; and had made such men as Henry Clay and Andrew Jackson his personal as well as political well-wishers.

The first time that Agent Street seems to have aroused the wrath of the American Fur Co. was in the treaty of September, 1832, when he secured the Winnebago School, as I told in my first article. Perhaps one direct result of this action was shown in the following persecution and prosecution.

In April, 1833, and again in the winter of 1833-4 he had been called to Washington to answer charges against Major Kearney and himself. Under Agent Street's orders, who acted under advice from Gen. Clark\* at St. Louis, Major Kearney had had a white man arrested for stealing timber from the Indian lands above the Portage and had seized the timber. The white man had brought suit for illegal arrest, alleging that Maj. Kearney's orders were not properly worded. In this case Mr. Street paid considerable in costs and lawyers' fees, and he appealed to the government for money to reimburse him for his loss. Not only was this refused, but the agents of the American Fur Co., as Mr. Street firmly believed, secretly complained of him to the War Department as being an officious meddler in other people's affairs. At any rate he was called to Washington in '33-4 to explain

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\*Of the Lewis and Clark expedition.

his action in this case. This is referred to by Rev. Mr. Brunson of Prairie du Chien in his article on Mr. Burnett, sub-agent under Mr. Street. (Wis. Hist. Soc. Proceedings, Vol. 1.)

On March 26, 1835, Mr. Hercules Dousman, Agent for the American Fur Co., at Prairie du Chien, made complaint to the Commissioner of Indian Affairs that Mr. Street was neglecting his duty at Prairie du Chien in allowing the blacksmith to do work for others than Indians. September 11 of the same year, Secretary of War Elbert Herring writes to Gen. Clark, Superintendent of Indian Affairs at St. Louis, as follows:

I have received your letter of the 27th ult., enclosing that of Col. Taylor in relation to the charge made by Mr. Dousman against Gen. Street for neglect of duty respecting the blacksmith shops for the Winnebagoes. Your statement and that of Col. Taylor vindicate the official conduct of Gen. Street and furnish strong reason to believe the accusation brought against him altogether unjust and unfounded.

Another quality, besides his honesty, which kept Mr. Street continually in hot water, was his pugnacity. When he once entered into a contest he could not give up until he had fought it out to the bitter end. He had shown this before he ever came to the Indian country in his attempts to uncover the Aaron Burr conspiracy in Kentucky. In that controversy he was referred to as "the fighting editor of the *Western World*." It was then that he received the wound which for some time after disabled him from steady office work and rendered a position that required outdoor activity, a necessity.

Yet there were some bright spots in the life of this fighter for the Indians' rights. In the summer of 1839 he writes to his son in regard to the new agency on the Des Moines river.

I feel very comfortably and well fixed having a large field of 160 acres broken and fenced and about 100 acres of it in oats, peas, corn and potatoes, and the balance planted on shares. A garden field broke and planted and the yard paled and a lot of 5 or 6 acres, well fenced, around my



stable, with a stake-rider fence about 8 feet high with a large gate, on iron hinges, of carved rails and large posts. My garden also has a good gate on iron hinges and a steel spring latch, and the field two large gates of similar construction. I enter into this detail to show you and Mary that after all our trouble of the *double move*\* we are again quite comfortable and are pleased with our new home.

Although the agency house was to have been done in the fall, in May, they found it still incomplete. He says in this same letter:

I left your mother and all the family well and we have got into our new house and somewhat comfortably established once more. I am even surprised to see with what ease your dear mother accommodates herself to difficulties, for in removing and finding our house unfinished we of course had to encounter many new and to her untried difficulties, yet she has mastered them. The house is nearly completed and the contractor and all his hands, except one (the painter) gone over to the Indian town to work on his contract there. And even the painting is all done on the inside of the house except the two halls and the staircase above and below and I directed them to be painted while Alexander and myself are on this trip when your mother will move into the four rooms on the first floor, which can all be used through the back piazza without going into the passage at all. I hope they will be done by the 20th of this month.

He says in another letter written when he first explored the country on the Des Moines river:

I shall not attempt to say how much we are pleased with the country. Excepting the absence of springs there is little else in a natural point of view to ask. Like all new and rapidly settling countries the people live in indifferent houses and are in want of almost every necessary. This renders traveling in the country unpleasant.

Although Mr. Street was so loth to leave Prairie du Chien, he had found some conditions in Rock Island much better. For one thing the trader, Col. Davenport, was a more honorable man than those in Prairie du Chien. He says in a letter to Mr. Lowry written from there in 1836:

These Indians are vastly different from the Winnebagoes—greatly superior in every respect—and have a trader of more liberal and extensive views than the Winnebagoes, but these views all tend to his own pecuniary interest, still his enmity to God will render it difficult to christianize the

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\*By double move he means the removal of part of his goods from the officers' quarters, Rock Island, where he had been staying, and the remainder from his former home in Prairie du Chien where his family had been.

trader in the future. Yet He won't sell them liquor except in the interest of his country and then sparingly. He does all in his power to prevent drinking among the Indians—and he won't keep it at his own sale house. What he has is in his house and occasionally he will give them some for the Indians. No temperance agent could be more urgent to prevent this because it is to his interest—if they drink they lose their valuable guns, traps and health, and frequently their lives. This is a fact well known. A naked Indian with no gun or traps can't be expected to make any advantage, and his state of health also renders him listless and inactive. If he has what he had got is lost and the profits on the furs are gone. Every year amongst drinking Indians sees a large loss of valuable hunters and a failure to pay by naked hunters who sell their guns and traps for drink. By selling goods of a superior quality and at moderate prices he secures the confidence of the Indians. The Indians are surprised to know that once a year in the summer he will give \$25.00 worth of goods and they are glad to sell him low all the year. If he does not want the agent hands the money to the Indians and gives them \$25.00 handed over to him and he, to secure it deals with the Indians and is so kind to them in all his intercourse they will sell him goods and will deal nowhere else. A few small accounts are given by the year and a balance, by some Indians—those he pays, taking pains to show them by the accounts how much cheaper he will sell goods to save a few of better quality. By this course of conduct, he has gained an unbounded influence over the Indians and they will not go against his wishes. All this is from self interested motives and yet the Indians are benefitted.

From this description we can understand why in his report to the War Department two years later, Agent Street wished all the traders but one to be excluded. He wanted a second Col. Davenport as trader at the Des Moines River Agency.

But Joseph M. Street was not to fight any more battles nor make any more plans for the benefit of his savage wards. Before leaving Prairie du Chien in the fall of 1838 or spring of 1839 (I do not know the exact time) he had what was called a "stroke." William B. Street in his article speaks of it as paralysis, but that was evidently a mistake. He was of an apoplectic physique and temperament and the members of the family now living remember it as apoplexy, followed by a difficulty of speech. He had another attack in November, '39, and during that winter he was confined to his

room under a physician's care. In the spring he grew much better, but on the afternoon of May 5, 1840, while rising from his chair to get a glass of water from the mantel shelf he fell to the floor dead. Mr. A. W. Street describes his death as follows:

On the day of his death and for sometime before, father was much better, and Uncle Alexander (Dr. Alex. Posey) and all were sanguine of his recovery. It was beautiful weather and that morning he had met the Indians in Council, tho' the interview was brief and personal as I remember.\*

I had been with father since dinner—this was the middle of the afternoon—and had roasted him an apple before the open fire in his room. He had eaten the apple and I had brought him a glass of water. Uncle Alexander was writing in the next room where he could see father as he sat in his chair by the window. After giving father the glass of water and waiting till he drank, I walked through the dining room into the garden, but had only reached the stile when the negro boy who was in the room when I left ran after me calling "old master is dying." I ran back to the house and saw father lying on his back before the fire. There were several around him rubbing his arms and legs and applying remedies, but he was dead.

Although there is scarcely an Indian treaty in which the families of agents, sub-agents, or interpreters are not granted lands or money or both, there is but one in which the name of Street is mentioned as a beneficiary, and that is the Sac and Fox treaty of 1842. The Indians voluntarily requested the United States government to grant to Mrs. Street the land upon which Agent Street and their former chief Wapello were buried.

It is not necessary for me to give a summary of Mr. Street's character and the good that he did. His son William has done this much better than I could in his article for *THE ANNALS*, July, 1895. My chief object has been to give as faithful a picture as my material would allow, of his work for the Sacs and Foxes.

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\*There is in Mr. Street's Correspondence a letter to the Commissioner of Indian Affairs dictated on this day, giving an account of the Council.

## RECOLLECTIONS OF EARLY TIMES IN IOWA.

BY C. L. LUCAS.

On the first day of October, 1853, I stood upon the bluffs that overlook the Mississippi river, from the Illinois side, and looked for the first time upon the hills that fringe a portion of eastern Iowa. The blue autumnal smoke that rested in beauty upon them, made them look both charming and majestic. I was then nearly fifteen years old, and was moving with my father and mother and the rest of our family from Indiana, to Iowa. This first sight of the State in which we expected to make our future home, only increased our desire to set our feet upon its soil and to get a more extended view of it.

We crossed the Mississippi on a ferry-boat, and first stood upon the surface of our adopted state in the town of Fort Madison. Iowa was then quite young as a State, being less than seven years old.

Fort Madison was among the first places occupied along the eastern boundary. The name was given to the military post organized there in 1808, twenty-four years before the Black Hawk purchase was opened for settlement, and only four years after the territory contained in the State, was ceded by France to the United States. There was not a mile of railroad in Iowa at that time, but during our short stay of less than a day in Fort Madison, several steamboats landed at the wharf with cargoes and passengers. Fort Madison was at that time a supply point for a number of the inland settlements. The state penitentiary was then a small affair, but even in that early day it contained a number of convicts.

The next town we reached was West Point, once the county seat of Lee county. It was here that Steven and William Hodges were tried, convicted, and hung, in 1845, for the murder of Miller and Lięcy, on May the 10th of

that year. Liecy was a son-in-law of Miller, and both families had just removed to the State. They lived in the same house on a farm near West Point. As they wished to buy a good farm, it was supposed that they had money, and this led to the attempted robbery and murder. The Hodges lived at Nauvoo, in Illinois; they belonged to the Mormon church, and to a band of thieves that operated over a broad expanse of country. These were the only executions that took place during Iowa's territorial period. A complete history of this affair is given in Edward Bonney's "Banditti of the Prairies."

West Point was a nice little town about ten miles north of Fort Madison and situated near the breaks of the Mississippi hills.

The next town on our route was Salem, in the southwest corner of Henry county. We had now passed from the Mississippi hills and found the country more level, but by no means a flat country in general.

Salem was at that time a station on the underground railroad, and this fact made it a historic place. It had been settled by the abolitionists during the fifties. They had taken an oath never to obey the fugitive slave law, and if the stories told of their doings about the time we passed there were true, they had not violated their oaths. At this place many a negro found shelter and rest, while escaping from bondage to freedom. The abolitionists were much censured then, but when we look back over those times it now seems that theirs was the true and correct course to take.

From Salem we took the old Fort Madison and Agency City road, and went northwest, intending to travel along the divide between the Des Moines and Skunk rivers. The distance from Salem to Agency City is forty-five miles. It took us three days to make this distance, for Iowa had taken one of her weeping spells, which continued for three days, and this gave some of us the blues. One man of our party

who lost his enthusiasm when the rain came, said that nature was bewailing our fate, and was shedding copious tears for us. The rain made the hill sides slippery, and the level land muddy and soft. In many places we had to double teams which made traveling slow and tedious. But we found the people along the route kind and willing to furnish shelter when asked to do so.

We reached the historic town of Agency City all right and there concluded to rest for one day. At that time it was a place much talked about, but now it is seldom mentioned.

The Sac and Fox agency was established there in 1838, and Gen. Joseph M. Street, the Agent at Prairie du Chien, was transferred to the new agency. From 1838 to 1843 the Agency was the only place west of the Black Hawk Purchase, where a white man dared to dwell.

Gen. Street died there May 5th, 1840, and was buried near the Agency. Just two years from that time Chief Wapello died, and in accordance with his request he was buried by the side of Gen. Street, for whom he cherished much friendship. We visited their graves and read the inscriptions on the slabs that marked them.

On the morning of the 7th of October, 1853, we left Agency City over the old stage route by way of Oskaloosa, Pella and Tool's Point to Fort Des Moines. The weather was nice again, the sun shone brightly, and the autumnal smoke once more rested in beauty upon the surrounding hills and elevations. This gave us all courage and we pressed on anxious to reach the end of our journey.

The country between Agency City and Oskaloosa looked inviting, and we found the people kind and obliging. Even in that early day Oskaloosa was a town of more importance than any we had passed through since leaving Fort Madison. At that time its chief boast was that it contained the largest distillery in the State. This was before any law regulating the sale of intoxicating liquors had been placed upon the

statute books. A distillery in that day was looked upon as valuable property, but at the present, such property is outlawed. Such is the difference in public sentiment, which fifty years of time has brought about.

The next place on our route was the Holland town of Pella. Here for the first time in our lives we saw people wearing wooden shoes; here too for the first time we saw stove pipes extending through thatched grass-roofed houses. From this place on to the end of our journey sod houses were frequently seen; while they did not look inviting on the outside, they were very comfortable on the inside during the storms of winter. There is no better or more fertile country than that around Pella.

We were not long in traveling the short distance from Pella to Tool's Point, for the roads were now good, and the country was fairly level. Tool's Point was but a small village with its few houses nestled along the south side of a point of timber. It was a place frequently spoken of, for the reason that there was no other town along the military road and stage route, between it and Fort Des Moines, a distance of thirty miles. Here we purchased some bread and drove on about five miles where we camped for the night, turning our oxen out to graze upon the grass which was yet green.

It never once occurred to any of us that we had camped upon historic ground that evening, nor did we know anything of this until we were so informed by a gentleman living near-by, who came to visit with us after supper. From him we learned that we were camped on the site selected six years prior to that time, for the new state capital, by a commission appointed for the purpose. This commission selected five sections of land, laid out a town and sold 415 lots. One of these commissioners, more enthusiastic than the rest, bought 38 of the lots, for which he paid \$6.50 each. The name of the new capital was Monroe City.

At the next session of the legislature the doings of this

Point just over the line in Boone County. There were two small log houses at the point at that time. Not one of us supposed that night that we were camped on a future town site, but we were. The spot on which we camped that evening is now within the corporate limits of Madrid, a town of 1200 people, the present home of the writer.

After looking around for about a week my father located four miles southeast of Boonesboro, then the county seat of Boone county, but now the fifth ward of Boone. On one forty of the land my father purchased, there was a log house and attached to it was an old-fashioned stick and clay chimney. The house was 16x20, and contained but one room. It seems incredulous that a good sized family wintered in that house, but such is the fact. There was room enough in the loft for two beds, and they were reached by climbing up a roughly made ladder. Be assured that it took a great amount of fuel to keep warm in that log house when the blizzards came, and that was quite often in those days.

On more than one morning during that winter, we awoke to find two inches of snow on the bed covers, and all over the loft, which the wind had driven during the night through the crevices of the clapboard roof. To step from a warm bed into this snow, and descend upon the ladder to the lower floor, and fill up the fireplace with wood, was a thing that tried the soul of a fifteen year old boy.

This was a rough quality of pioneer experience on the border settlements of Iowa. It is not to be wondered at that the pioneers have good memories.

We were all glad when spring came, for everything then looked brighter. Improving a farm and erecting better buildings for the next winter was now the animating thought, and we went to work with a courage that never fails to bring results. We carried on farming, breaking prairie, and hauling goods from the Mississippi river towns, a distance of two hundred miles.

For breaking prairie we received from \$2.00 to \$2.50



per acre. From three to five yokes of oxen were hitched to a 20-inch plow, and would break from two to three acres of sod per day. For hauling goods for the merchants, we received \$2.50 per hundred pounds. It took twenty days to make a trip with an ox team, and fifteen days with a horse team. For several years most of the hauling was done with ox teams, because they lived upon the grass of the open country, while a horse team had to be supplied with costly feed.

From two to four teams usually went at the same time from the same place, for no teamster had any desire to make a four-hundred mile trip alone. After being on the road a few days, we would meet loaded teams returning to various places, and would fall in with others going after loads. Sometimes a dozen teamsters would camp at the same place, and then there would be a jolly time.

In the fall of 1855, fourteen loaded teams camped on the present site of the town of Prairie City. Nearly all the country about there was open at that date, making it a good place to turn our oxen out upon the grass. Among those teamsters was Captain J. M. Stallsworth of Adel. He had a very heavy wagon with wide tires and a very large box; this wagon was drawn by four yokes of oxen, and it contained six thousand pounds of whiskey, brandy and wine.

This was during the time the first prohibitory law in Iowa was in force. It was passed January 22, 1855. By its terms no person was allowed to sell intoxicating liquors in any county in the State except agents duly appointed by the county judge. These agents had power under the law to buy and sell intoxicating liquors for medical, mechanical, and sacramental purposes. The agent in Dallas county had hired Captain Stallsworth to haul this mammoth load of liquors to supply the trade of his agency. From the plight the captain was in on the evening just referred to, he either had other liquors along with him or else he was patronizing the agency before the goods reached their destination.

This law was very unpopular; so much so, that it was repealed January 28, 1857, after being on the statute book two years and six days.

In the early settlement of Iowa everybody wanted to locate on the edge of the timber. When we arrived all these locations were taken, and perforce of circumstances, we had to seek a location a mile out from the timber. Our house was the farthest out on the prairie; some people prophesied that we would freeze to death, while others said they could not be hired to live out there. We paid no attention to this talk for we knew that the deep rich soil of the prairie had not been made for nothing. There was a rudely built school house down on the timber line a mile and a half from us. Here I attended school for the first time in Iowa. Our teacher was a graduate from a Pennsylvania college. He was a fine scholar and a good man; his name was Thomas Sparks, and he is still living. He came to Boone county in 1847, and at the organizing election held in August, 1849, he was chosen County Surveyor. He is the only survivor of the nine officers first elected in the county and is now eighty-eight years old.

From our home on the prairie we could look for miles in the blue distance without seeing a house, a tree, a fence or a cultivated acre. All of those broad acres could then be bought for \$1.25, each. But now how great is the contrast. Over this same expanse of country, beautiful homes, groves and farms, join one to another like a vast checkerboard, and not an acre can be bought for less than \$80.00.

At that time there was not a rod of railroad in the State, but now there is a railroad station on my father's farm, and within a short distance from his residence. Such is the wonderful contrast that the progress of fifty years has brought about.

MADRID, IOWA, FEBRUARY, 1904.

# ANNALS OF IOWA.

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## EDITORIAL DEPARTMENT.

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### THE HISTORICAL BUILDING ASSURED.

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On Tuesday, March 29, 1904, the Senate passed the House bill appropriating \$200,000 for the completion of the Historical Building, the corner-stone of which was laid May 17, 1899. The measure was introduced in the House by Hon. Emory H. English, of Polk county, and in the Senate by Hon. C. J. A. Ericson, of Boone county. These gentlemen and many other stout friends of the Historical Department had earnestly promoted the measure and to them the State owes its congratulations for the favorable conclusion reached by the 30th General Assembly.

It is needless perhaps for us who have sought this consummation for many years past to say that we feel no small degree of satisfaction over the action of the legislature. As we cannot begin to express it we shall not try to do so. The scores of letters that have come to us from all sections of the State from well-wishers and old-time friends and the universal approbation given the act by the press of the State assure us that the realization of our hopes and aspirations is likewise the fulfillment of hopes long entertained by the best people of Iowa.

But while it is only natural that we who have been so long working for the promotion of the Historical Library, Art Gallery and Museum should experience much personal pleasure over the passage of the appropriation bill, we feel no less strongly that those most to be congratulated are the people of Iowa and the children who are to come after them. To this Department with its library, its large and ever increasing treasures of historic lore, its archives and

precious mementoes, our students and scholars, our press and our law makers will come more and more as the years roll on, and we indulge in no idle dream when we assert that to them it will prove endlessly useful and inspiring in infinitely various ways to the better upbuilding of our great commonwealth.

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### THE FOUNDER OF SALUBRIA.

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Time works wonderful changes in our estimates of men and their work. Fifty years ago the name of Abner Kneeland was one to conjure with in Iowa. The pious and devout never spoke it except in tense terms. Throughout the land from New England to the Missouri it was anathema. Almost universally Kneeland was regarded as the arch advocate of atheism and the blasphemous promoter of infidelity to the commandments and institutions of the Most High and he and all his works were in the *Index Expurgatorius*. Even yet some whose memories go back to the decades preceding the civil war may think as much.

But increasing years have softened the shadows that once made Kneeland's name loom large and awful in the imagination of the Christian churchman. Commerce, science, sociology, and higher criticism in the past fifty years have produced vast and momentous changes in man's notions of theology and of the authority of doctrine and creed. The heresies of the last centuries have become the commonplace and the matter of fact of to-day. The terrific controversies of our forefathers astonish us and we wonder what could have made men and women get so exercised over views that now strike us as tame, immaterial or vain or mayhap as simply sensible.

The days of our pioneers are so rapidly passing that only the very elect who yet remain with us will have vivid memories stirred by Miss Whitcomb's interesting article in

this number of THE ANNALS relating to the career of the founder of Salubria in Van Buren county. It is well worth perusal; first because the subject of the sketch was no inconsiderable factor and force in the history of religious thought in these United States and a decided influence in public discussion in our pioneer life in Iowa, and second, because Abner Kneeland was a man of marked ability and force of character. He lacked many of the qualities that make for personal or political success. He was too prone to talk straight out precisely what he thought. If he had any doubts about the foundations of belief or conduct he did not deal mincingly with them or keep still in order to retain position and his stipend. He nearly always turned the contents of his skillet into the fire and there was a blaze. His work was for the most part iconoclastic rather than constructive. He was one with such men as Paine and Priestley, who broke lances against the stiff-backed notions of theology of the last half of the eighteenth century. But while he was disposed to be belligerent in the advocacy of views that greatly perturbed his contemporaries, he had an unsullied character. Those who knew him intimately found a man of sweet and gracious disposition. \*

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#### IOWA'S EXPERIMENT IN GOVERNMENT.

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We seldom appreciate the full significance of events to which we are party, and in the midst of which we live daily. They become commonplace and are passed by without interest and accepted without comment. Since 1898 the people of Iowa have been making a momentous experiment in the art of government. In that year our General Assembly worked a revolution in the methods of controlling and administering the charitable, reformatory and penal institutions which are maintained by the State. The various separate boards of trustees theretofore in charge of them had

[illegible]

account of some of the practical results achieved by the present Board of Control in Iowa. Judge L. G. Kinne who has been on the Board since 1898 presents in this number of *THE ANNALS* an interesting exposition of the methods of administration that have been put into operation. It will prove a valuable source of information to all who care to study the real workings of Iowa's important administrative reform. \*

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#### A SERVICEABLE CHECK LIST OF IOWA'S PUBLIC DOCUMENTS.

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Students of our local and State history, our law makers, and especially our librarians in Iowa and elsewhere have good cause for congratulation over the successful issue of a "Check List" of Iowa's Public Documents, prepared by Miss Lavinia Steele, and recently authorized to be published by the Executive Council. Only those familiar with the innumerable difficulties confronting a compiler of a finding list can appreciate the dreary aggravations endured in preparing such a useful compilation. Our libraries contain no complete collections. The titles must be sought for here and there and the trials of Dr. Dryasdust were agreeable compared with those constantly undergone by the seeker after complete lists of illy preserved and fast disappearing documents but little thought of heretofore.

The arrangement is simple. Institutions, departments, offices, boards or commissions, et al, are given dictionary fashion in alphabetical order. The bulk of the titles are presented in tabular form. First comes the date when the office or institution was created by law, and other desirable information as to the first and later modes of publication. Then the tables show when the document was published, whether it appears in the "Iowa Documents," etc., etc. Besides these Miss Steele has prepared some very serviceable

tables showing the year, date of convening and adjourning of the legislature, and the place where the legislature was held (p. 27); likewise for the laws (p. 33). Another table on page 32 shows the year and volume in which any of the reports published since 1856 and included in the "Documents" appear. Besides all these there is to be found an extensive index to all names and subject titles with numerous cross references. Territorial as well as State publications and references are included in this "Check List."

As we remarked at the outset, our librarians have cause for congratulation on possessing such a compilation. It will greatly facilitate the work of the Library Commission under whose auspices Miss Steele prepared the list. \*

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#### SOME NOTABLE PORTRAITS.

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The Historical Department lately received a fine oil portrait of Hon. Frank Springer, who now resides at Las Vegas, N. M. It will be remembered that Mr. Springer is the eldest son of the late Hon. Francis Springer, who presided over the last Iowa Constitutional Convention which was held in Iowa City in 1857. Francis Springer, according to the late Judge George G. Wright, was one of the best *nisi prius* judges the State has ever had. Socially and politically he was held in high esteem throughout the State. His portrait was contributed to the Historical Art Gallery some years ago by members of his family. But the portrait of which we wish to speak is that of his son, who, in addition to being recognized as a leading statesman in New Mexico, is one of the most learned and versatile paleontologists in the United States. In collaboration with the late Prof. Charles Wachsmuth of Burlington, he was the author of a work on the crinoids not only of Iowa and adjacent portions of Illinois and Missouri, but of the whole country as well, which has been accepted by scientists in Europe and



America as being the most important hitherto published in that field of literature. In a recent letter Mr. Springer wrote "If I have done anything worth commemorating, it is to show that a man can, by husbanding his time, follow a reasonably successful business career, and at the same time give some thought to the wealth of nature that is around him." The portrait represents Mr. Springer as seated at a table among his collections, evidently studying the peculiarities of a type-specimen crinoid. This splendid portrait was painted by Louis Mayer, of Milwaukee.

Another highly valued portrait is that of Speaker David B. Henderson. It is a replica of one painted for the Speaker's Room in the House of Representatives in Washington, and is a work of high merit. The artist is Mr. Freeman Thorpe, who lately painted a complete series of the governors of Montana. Gen. Henderson is so well known to everybody in Iowa as a pioneer settler, soldier and statesman that no further comment is necessary.

A fine oil portrait of the late Judge Walter I. Hayes of Clinton, has recently been contributed by his family. It was painted by F. H. Morse, an artist well known throughout the State. Judge Hayes served on the bench of the 7th Judicial District from 1875 to 1887; he was a member of Congress from the 2d District from 1887 to 1895; and he was elected member of the Iowa House of Representatives for the extra session of 1897. He was a man of striking mental characteristics and great force of character, who left his impress upon the public life of eastern Iowa.

Two other portraits of great value are also promised within a short time. The first is that of Rear-Admiral George C. Remey. He was born in the city of Burlington about 64 years ago. He was educated at the Naval School at Annapolis and served in the United States Navy until he reached the age of 62 when he was placed upon the retired list. He passed through all the grades from midshipman to rear-admiral. During the rebellion he was captured by the

confederates and confined in prison something over a year. Shortly after the United States government acquired the Philippine Islands he was sent into those waters with the largest fleet ever commanded by an American sailor. Admiral Remy since his retirement has resided in Washington, D. C. The other portrait is that of Rear-Admiral John Grimes Walker. He was also a resident of Burlington and a nephew of the late Gov. James W. Grimes. He, too, was educated at Annapolis and served after his graduation in the American Navy until he reached the age of retirement. When, in 1850, he received his appointment to the United States Naval Academy, it was the first and only appointment from Iowa. So he became the first and only representative at that time from our State in the Navy. He served as President of the Isthmian Canal Commission and recently President Roosevelt placed him at the head of the Panama Commission, an appointment of great importance. He is a man of large ability who has rendered the country the most conspicuous services. His portrait is now being painted by Hinckley, a distinguished Washington artist. We are certain that these two portraits of our distinguished Iowa sailors will be heartily appreciated by the people of the State.

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#### AN INTERESTING CORRESPONDENCE.

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The following letters very fully explain themselves. They were kindly presented to the editor of THE ANNALS, for the "Aldrich Collection" in the State Historical Rooms, by Gen. G. M. Dodge. The letter by Gen. Robert E. Lee shows the affectionate and fatherly characteristics of that great soldier. It is not possible that it has ever been published, and we are pleased to make it a matter of record in these pages:

CONFIDENTIAL INFORMATION

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No. 1 Broadway, New York.

April 25, 1867.

DEAR GENERAL DODGE: As the famous John Chamberlain has alive among the many gallant gentlemen and soldiers who took part in the time that tested men, I enclose to you a letter of Gen. James B. Lee, written 34 years ago. It is about the time that the troubles between the States took place. It is interesting to me because it shows the man, it is only one thing. I do not know him in either in either in Gen. Lee's words he ever used the word "I" in his name, in the Federal troops, but even in the history of his life. The first which he mentions was his son, later on Gen. W. H. Fitzhugh Lee, now dead, the 10. V was Gen. John A. Washington, the father of Mr. Jackson, who was killed in his staff in the same campaign, and the Capt. L. was afterwards Gen. Ambrose Burnside who married the daughter of Maj. Gen. Sumner, United States Army. Long was an old Army officer also, his wife is now just deceased at Charlottesville, Va. She is a sister of Col. Sumner, the Cavalry, United States Army now. I knew them all. Gen. George Washington Custis Lee, the son of Gen. Lee and great grand-son of Gen. Washington, sent me this letter 34 odd years ago. Kindly accept the same with my kind wishes, as I know of no one whom I would like to have in more than you, and also ask me to show my appreciation of your many and old services to me. With kind wishes and long life.

Truly your friend,

GEN. G. M. DODGE.

WILLIAM CROCKER DUNSTON.

Valley Mt. 3 Sept. 1861.

MY DEAR SON: I was very glad to receive your letter of the 27<sup>th</sup> ult., and to learn something of your whereabouts. I did not know what had become of you and was very anxious to learn. You say nothing of your health and I will hope you are well and able to do good service to the cause so dear to us all. I trust you may be able to get a position and field agreeable to you and know that wherever you may be placed you will do your duty. That is all the pleasure, all the comfort, all the glory we can enjoy in this world. I have been able to do but little here. Still, I hope I have been of some service. Things are better organized. I feel stronger, we are stronger. The three routes leading East are guarded. The men have more confidence, our people a feeling of security. The enemy has been driven back and made to haul in his horns, and to find he cannot have everything his own way. This has been done without a battle but by a steady advance of positions. Now to drive him farther, a battle must come off, and I am anxious to begin it. Circumstances beyond human control delays it, I know for good, but I hope the great ruler of the universe will continue to aid and prosper us and crown at last our feeble efforts with success. Rain, rain, rain, there has been nothing but rain, it has appeared to my anxious mind, since I approached these

mountains. It commenced before, but since has come down with a will. The cold too has been greater than I could have conceived. In my winter clothing, and buttoned up in my overcoat, I have still been cold. This state of weather has aggravated the sickness that has attacked the whole army, measles and typhoid. Some regiments have not over 250 for duty, some 300, 500, or about half, according to its strength. This makes a terrible hole in our effectives. Do not mention this I pray you. It will be in the papers next. The rains and constant travel have cut these dirt turnpikes so deep, the soil being rich mould in most part, that wagons can only travel with double teams. But there is a change in the weather. The glorious sun has been shining these four days. The drowned earth is reviving. The sick improving and the spirits of all rising. Fitzhugh is very anxious to get his Buffalo robe. Did you ever get my letter concerning it? It was directed to be sent to the Spottswood to me. I asked you to put it up securely and get Col. Myers to send it to me at Huntersville. I have heard nothing of it. F. feels the want of it every night. He is very well, hearty, and sanguine. I am glad to hear of Gen. A. S. Johnston's approach, and Capt. Garnett's arrival. The disaster at Cape Hatteras was a hard blow to us, but we must expect them, struggle against them, prepare for them. We cannot be always successful, and reverses must come. May God give us courage, endurance, and faith to strive to the end.

Good bye my dear son. F. has just come in. He sends his love and Col. W. and Capt. L. their regards. Give my kind remembrances to everybody.

Your fond father,

CAPT. G. W. CUSTIS LEE.

R. E. LEE.


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### SOME NOTES ON THE ENGLISH SPARROW.

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The first is wholly in their favor. On many damp spring mornings they have been noticed busily at work on the lawn surrounding the State House at Des Moines. Pausing on these occasions to see what they were doing, one quickly perceived that they were picking up little black cut-worms which seemed to be very plenty everywhere on the capitol grounds. These cut-worms were not far from three-fourths of an inch in length. A warm rain or a heavy dew brings them to the surface. It is then that scores of sparrows are so intent upon picking up and eating the pests that they scarcely notice a person who passes along the walks. Among the many things said and written about the sparrows this fact may be set down to their credit.

The next fact to be noticed is to the credit of two certain other birds (if it be creditable to destroy these little "gamins," as the late Dr. Elliott Coues used to call them. To him the house sparrow was simply an abomination, with few or no redeeming characteristics.) The birds which are destroying the sparrows are the screech owls (*Megascops asio*) and the sparrow hawks (*Falco sparverius*). During the autumn of 1901 two spar-



row hawks were noticed flitting about the domes and pillars of the State House. When cold weather came they disappeared, doubtless migrating to a warmer clime. They reappeared in their old haunts about the 10th of March following. Simultaneously with their return, the chattering of the sparrows diminished, in many places ceasing entirely, and observers were quite certain that this was due to the presence of these birds of prey, which are so keen and active on the wing.

There were many nooks and corners about the State House grounds and buildings where the sparrows were in the habit of roosting. It was noticed that they ceased to come to many of these places, and that there were indubitable signs of the presence of some larger bird which was occasionally heard during the night. On several mornings quills from the wings of sparrows were also scattered about under these perches. More than this, the sparrows wholly disappeared from more than one locality in which they had become a nuisance—a fact which has been noticed in other towns in our State. It was at once obvious to any one who studies the habits of the birds that the tragedies among the sparrows were due to the presence of screech owls which came to these localities in the night, during the autumn and winter. Evidently those who dislike the sparrows—as most persons do where these birds are too numerous—should cease to make war upon the gamy little owls and the predaceous sparrow hawks.

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### NEW PUBLICATIONS.

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*History of Iowa from the Earliest Times to the Beginning of the Twentieth Century. Four Volumes. Illustrated. By Benjamin F. Gue. Vol. I, "The Pioneer Period," pp. XXIII, 397; Vol. II, "The Civil War," pp. XVIII, 423; Vol. III, "From 1866 to 1903," pp. XII, 531; and Vol. IV, "Iowa Biography," pp. XVIII, 325. The Century History Company, New York City, 1903.*

In these four handsome volumes, former Lieutenant Governor B. F. Gue has brought together the fruits of his labors for many years past in various fields of our State history. As indicated in the title, the contents of these volumes relate to, 1st, the pioneer history, 2d, civil war, 3d, our history since the war, and finally biographical sketches of notable Iowa men. The general plan of this history includes the following distinctive features: An account of the geological or physical history of the State; a narrative of the careers of our Indian tribes; a record of the exploring expeditions in the Mississippi valley between 1673 and 1836; a narrative of the pioneer life and adventure and of the evolution of civil government from the claim club regulations to written constitutions; the formation of the early political parties and conventions; and a history of the slavery agitation. All of these features are included in the first volume. Then, follow accounts of the part taken by Iowa in the civil war, the development of our educational institutions, industries and commerce, sketches of the history of the individual counties of the State, and a

directory of the public officials, territorial, State and national, from the first civil government established in the territory to 1903. In the fourth volume are short sketches of the lives of over 400 men and women who have taken a greater or less part in the life of Iowa.

No small portion of the contents of these volumes, particularly the narrative from about 1850 down to recent years is in the nature of an autobiography. Mr. Gue entered the General Assembly of Iowa in 1858 and for a quarter of a century he not only saw at close range much concerning which he writes but he actually helped to shape the course of events. Thus there is here and there a special vividness in his accounts because he describes men and events, conditions and causes that were truly a part of his life. He saw them and was a part of them himself. In his description of pioneer days, of the daily life of the cabin and the prairie in the new State, there is a realistic vigor and aptness of expression that come only with personal knowledge. Many chapters stir the reader's blood as he courses along the narrative. The trials and hardships of the pioneers, their struggles with forest and stream, with fire and beast, with Indians and depredators, with speculators and promoters—these things show us the stuff out of which our splendid State has been builded. The same characteristics are especially noteworthy in his narrative of the anti-slavery agitation and of the episodes of John Brown's relations to Iowa. But Mr. Gue suffers from the defects of his virtues. The very fact of his complicity in much of the history of which he writes often blurs his vision and perspective. He frequently fails to distinguish the forest from the trees and underbrush. The reader is now and then bewildered by thickets of details and miscellanies.

Somewhat contrary to expectations, Mr. Gue has given us, not so much a history of the State, but (as he himself describes it) "a cyclopedia of general information pertaining to Iowa." His volumes while they give us to be sure a continuous narrative of the development of the State are characterized largely by a great assortment of varied information rather than by close analyses of social and political conditions and tendencies and a synthesis of the results of minute studies into the State's history. His volumes are crowded with all sorts of facts and data extracted from divers sources, chiefly from public documents and official records that are beyond the reach of the general reader and ordinary student. Owing to this fact that the author had the lay reader chiefly if not wholly in mind, these volumes are without specific references to sources or citations of authorities where one may find the chapter and verse for important assertions. This circumstance, while it makes the narrative much more congenial to the general reader, constitutes a drawback that hampers its use by students and scholars.

Mr. Gue has profusely illustrated all four volumes with reproductions of photographs of most of the important landmarks, scenes and noteworthy men and women of the State. Some of the scenes are very interesting and instructive. Generous tables of contents in each volume and an extended index renders the text readily searchable. For many years doubtless this history will serve as a book for ready reference to men and measures in the history of Iowa. \* \*

## NOTABLE DEATHS.

**JAMES BLAKELY WILLIAMS** was born at Hollidaysburg, Pennsylvania, May 11, 1836; he died at Ft. Dodge, Iowa, August 23, 1903. He was the second son of Maj. William Williams, founder of Ft. Dodge, with whom he came to Muscatine, Iowa, in 1849. Maj. Samuel Woods, of the 6th U. S. Infantry, having been ordered to establish a military post on the Des Moines river near the mouth of the Lizard, urged Maj. Williams to accept the position of post trader, which he did, and marched with the troops across the State, reaching Ft. Dodge August 23, 1850. James, then a boy of twelve years, accompanied him and was his father's clerk and chief assistant for the next ten years in the work of post trader, pioneer Indian trader and merchant and town proprietor. He was always upon the best terms with the Indians and was especially intimate with Wah-kon-sa, a young chief after whom the township of Wahkonsa was named. The troops were removed to Ft. Ridgley, Minnesota, in 1853, and Maj. Williams and others purchased the buildings and the site on which they were located. In March, 1854, they platted the town of Ft. Dodge. Maj. Williams was the first postmaster. In 1855 the United States Land Office was located at Ft. Dodge and it immediately became the leading town of northwestern Iowa. A large part of the clerical work incident to the then rapid changes rested on the shoulders of this comparative boy. In August, 1862, he enlisted and served as sergeant in Company I, 32d Iowa Infantry Volunteers. Soon after reaching the field on account of his elegant penmanship and superior business qualifications he was detailed as clerk and spent the principal part of his army service as clerk at Division and Corps headquarters. On his return from the army he founded the abstract business in Webster county in which business he continued until the time of his death. He was a man of fine intellectual qualities, self-educated, as all the schooling he had was prior to his twelfth year. At the time of his death he was the oldest living settler of Webster county and one who had from the first been closely and intimately identified with Ft. Dodge through all phases of its growth. He has worthily filled a place in the history of his city, State and nation. W. H. J.

**MIL0 SMITH** was born in Addison county, Vermont, January 25, 1819; he died in Clinton, Iowa, February 28, 1904. He was a son of a veteran of the war of 1812 and the grandson of a revolutionary soldier. In 1840 he came west to Chicago, and in 1848 was identified as engineer with the first railroad line built west of Chicago. In 1855, before a house was erected within the present city limits, he came to Clinton as chief engineer of the Chicago, Iowa & Nebraska railroad, now the Chicago & Northwestern. He helped to construct the first railway bridge across the Mississippi at that place, and until the war was engaged in railroad building and territorial development. In 1862 he organized the 26th Iowa Volunteer Infantry, and was commissioned Colonel of the regiment by Governor Kirkwood. He was twice severely wounded in battle. Since the war Col. Smith has resided in Clinton and has been active in various public enterprises. He was often urged to accept public office but preferred the life of a private citizen. For five years, however, he served as superintendent of the Soldiers' Home at Marshalltown.

**MAJ. HOYT SHERMAN** was born in Lancaster, Ohio, November 1, 1827; he died in Des Moines, Iowa, January 25, 1904. He was a member of a distinguished family; a brother of Senator John Sherman and of Gen. W. T. Sherman. He had been a resident of Des Moines for more than 55 years, having located here in 1848. For a short time he was a member of

the law firm of Casady & Tidrick; in 1849 he was elected clerk of the district court; he was appointed postmaster of Des Moines by Zachary Taylor, holding the position from 1849 to 1858; in 1854 he became a member of the banking firm of Hoyt Sherman & Co.; in 1858 he took an active part in organizing the Iowa State bank. When the war broke out he was commissioned by President Lincoln paymaster in the army with rank of Major. Maj. Sherman was an active member of various pioneer, social and charitable organizations. He contributed a sketch "Early banking in Iowa" to *THE ANNALS*, 3d ser. v. 5, pp. 1-13, and also a history of the "State Bank of Iowa" v. 5, pp. 93-116.

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MARY M. MILLER was born in Clarion county, Pennsylvania, July 24, 1842; she died in Des Moines, March 28, 1904. In 1862 she came to Iowa and taught in the public schools of Eddyville and Ottumwa. In 1867 she was married to Lieut. Samuel Miller of the 4th Iowa Cavalry, who died in 1872. After her husband's death she taught for a time in the Des Moines schools. In 1888 Mrs. Miller was appointed State Librarian by Governor Larrabee, succeeding Mrs. S. B. Maxwell. Mrs. Miller had an experience in her office that was quite different from that of most librarians of years ago. This was the fact that Governor Boies, a democrat, allowed her to remain throughout his administration, though very strong pressure was brought to bear upon him to secure her removal, for purely political reasons. In 1896 she became Matron of the Business Women's Home in Des Moines; in 1898 she took the position of Matron in the Soldiers' Home at Marshalltown, where she remained until failing health obliged her to resign.

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JACOB HUGH HARRISON was born in Carrollton, Ky., December 25, 1840; he died in Davenport, Iowa, January 1, 1904. For more than 35 years he had been a resident of Davenport and identified with the best interests of the town. For many years he was engaged in the drug business. He was appointed commissioner of pharmacy under Gov. Boies, and was at one time President of the Iowa Pharmaceutical Association. He was for a time president and for many years a member of the board of trustees of the old Davenport Library Association. He helped to organize the Davenport Crematory; was a trustee of the Davenport Academy of Sciences and an active member of the University Extension Society. He was interested in collecting historical documents relating to Iowa and became a warm friend of the Historical Department at Des Moines. He was instrumental in securing Gov. Lucas' commission as Captain in the regular army, issued in 1812, for this Department.

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WARD LAMSON was born in Sterling, Mass., September 7, 1820; he died in Fairfield, Iowa, April 6, 1904. He was one of the earliest pioneers of the State, having arrived in Burlington, then the capital of Wisconsin Territory, December 6, 1837. He remained there until 1852, when he removed to Fairfield. As a business man he was active and thorough. In the early 50's he was engaged in the real estate business, and some of the methods he devised for keeping entries of land in his own office were adopted by the Land Department, in Washington, D. C., as superior to those in use. By nature he was a student, an independent and original thinker, and especially interested in scientific investigations. The honor of founding the Jefferson County Library Association in March, 1853, belongs to him; that institution has developed into the splendid Fairfield Free Public Library, in the building up of which Mr. Lamson was closely associated with the late Senator James F. Wilson.



**WILLIAM CONNOR** was born in Ireland, April 4, 1845; he died in Des Moines, Iowa, February 9, 1904. In 1848 he came with his parents to America, settling in Oneida county, New York, where his early years were spent. From 1863-65 he served in the war of the rebellion as a member of Co. D, 13th New York Cavalry. On his return he studied law and was admitted to the bar in 1867 at Syracuse, N. Y. In 1869 he located in Des Moines, where he became one of the ablest members of the Polk county bar. From 1878 to 1882 he was district attorney of Polk and adjacent counties; from 1883 to 1885 he served as circuit judge. In 1885 he became a member of the law firm of Gatch, Connor & Weaver. After the death of Col. Gatch in 1897, he became the senior member of the firm Connor & Weaver.

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**ELBERT M. SARGENT** was born in Felicity, Ohio, March 8, 1840; he died in Grundy Center, January 7, 1904. He was engaged in the mercantile business when the war broke out, but left it at once and was mustered into Co. I, 22d Ohio Volunteers; he was later made Captain of Co. K, 59th Ohio, and as such served to the close of the war. In 1879 he came to Grundy Center, Iowa, and was in the mercantile business until 1896. He was a member of the city council and of the school board; he served as State senator in the 26th regular and special sessions of the legislature; in 1899 he was elected a member of the republican State central committee from the fifth district, continuing as such until 1903.

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**RALPH G. ORWIG** was born in Mifflinburg, Pennsylvania, May 12, 1832; he died in Chicago, March 27, 1904. At an early age he entered business life in Philadelphia, engaging first in the mercantile business. He later became publisher of the Philadelphia State Journal. During the civil war he removed to Des Moines and became Governor Stone's private secretary. While the Governor was absent in the army, the duties of the office devolved upon him. He subsequently became publisher of the Des Moines daily and weekly Bulletin, and was at one time interested in the Iowa State Register. In 1893 he removed to Chicago where he has since resided.

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**NELSON B. EVERTS** was born in Mexico, New York, September 18, 1825; he died in Webster City, Iowa, January 12, 1904. He was an early settler of Webster City, and one of its best known citizens. His profession was that of a civil engineer and he was for many years surveyor of Hamilton county. When the Illinois Central railroad was built through Iowa, he was chief engineer for the company on the Dubuque division. He superintended the building of the bridge across the Mississippi and the construction of the tunnel through the bluffs east of Dubuque. He was later employed by the Great Western road and by the Minneapolis & St. Louis.

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**JUSTUS C. ADAMS** was born in Philadelphia, November 14, 1841; he died in Indianapolis, Indiana, December 26, 1903. In 1855 he came to Muscatine, Iowa, with his father, Samuel Adams. The latter was one of the first men in the United States to invent machinery for the making of brick. He established a factory with modern methods in Muscatine. The family in 1861 removed to Indianapolis, traveling by wagon. Justus C. became one of the best known residents of that city. He served on the city council and was in 1877 a representative in the Indiana legislature, and speaker of the House.

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**AMOS JOHNSON** was born in Delaware county, Ohio, February 23, 1842; he died in Jefferson, Iowa, December 27, 1903. Mr. Johnson was a member of Co. I, 4th Ohio Infantry, in the civil war. In 1863 he came to Iowa

and located first in Cedar county, where he taught school. In 1868 he removed to Greene county; in 1896 he was elected county auditor and moved to Jefferson. He was public spirited and was active in securing measures relating to the improvement of taxation laws, road laws and methods of farming. He was for years a prominent member of the Greene County Farmers' Institute.

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JOHN BURKHOLDER was born in Lancaster county, Pa., February 18, 1818; he died in Des Moines county, March 4, 1904. Mr. Burkholder landed in Burlington from a Mississippi river boat on April 18, 1837, before the Territory of Iowa had been organized. He was a stone mason by trade, and worked on the first state house, at Iowa City, in 1841; he also helped build the first court house erected in Iowa. He filled several public offices, was justice of the peace for many years, was a member of the board of supervisors, and was also county assessor when that office was an important one. He spent two years in California during the gold fever times, but returned to Iowa in 1851. For years he had lived on his fine farm in Benton township.

---

AUGUSTUS ANDERSON was born in Sweden, November 13, 1836; he died in Stratford, Iowa, January 22, 1904. He came to this country in the early fifties and lived for a time in Illinois. In 1857 he removed to Hamilton county, Iowa, where he has since resided. Much of his time was devoted to his farming interests; but he filled many positions of public trust. For twenty years he was president of the school board of Marion township; he was one of the organizers and for ten years president of the state bank of Stratford. He represented Hamilton county in the 21st and 22d General Assemblies.

---

JOHN W. BOYD was born in Pennsylvania in 1845; he died in Cleveland, Ohio, January 5, 1904. In 1861 he enlisted as a drummer boy in Co. I, 3d Iowa Infantry; later he served as a private in Co. F, 2d Iowa. After the war he received a thorough medical education, graduating from the Keokuk College of Physicians and Surgeons. In the early seventies he settled in Defiance, Shelby county, where he practiced his profession. He represented Shelby county in the 27th General Assembly. About a year ago he removed to Cleveland, Ohio.

---

JAMES A. BROWN was born in New York state April 25, 1831; he died in Vinton, Iowa, December 21, 1903. In 1842 he moved with his father to Keosauqua, Iowa. He studied civil engineering and in 1855 entered the government service in which he remained three years. About 1865 he removed to Benton county. He was elected surveyor of the county and was four times re-elected; he was also deputy county auditor for a time, and for sixteen years was business manager of the college for the blind.

---

HENEY CLINTON HARGIS was born in Pulaski county, Kentucky, February 21, 1820; he died in Bloomfield township, Polk county, Iowa, February 23, 1904. He came to Polk county nearly fifty years ago and engaged extensively in farming, at one time owning more than 500 acres of land. He was a candidate for many important offices. In 1872 he was nominated by the greenback party for State treasurer; in 1876 for elector at large; in 1883 for State senator and was also at one time a candidate for congress.

---

PHINEAS CADWELL was born in Madison county, New York, April 17, 1824; he died in Logan, Iowa, February 26, 1904. He came to Harrison county in 1854 and was one of its most influential men in early days. He was from 1861 to 1882 a director of the State Agricultural Society, and for twenty years president of the Harrison County Agricultural Society, which he helped to organize. He represented Harrison county in the 14th General Assembly.

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## Historical Department of Iowa.

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Eng. by J. E. Butler Co. N.Y.

Philip M. Corapo



# ANNALS OF IOWA.

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VOL. VI, No. 6.

DES MOINES, IOWA, JULY, 1904.

3D SERIES.

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## THE LOUISIANA PURCHASE IN CORRESPONDENCE OF THE TIME.

ARRANGED BY REV. DR. WILLIAM SALTER.

In 1903 the United States Government Printing Office published "State Papers and Correspondence bearing upon the Louisiana Purchase," in a volume of 299 pages. The correspondence of other public men of the time, as published in their Works,\* adds further information upon the subject. The whole correspondence is heavy and voluminous. Some selections from it, arranged in chronological order, will afford a lucid, compact and authentic view of the course of events in that great crisis of American history.

That the question, "Who shall own Louisiana?" was a subject of inquiry and concern to Washington soon after he became President, appears from his correspondence of that time with Jefferson, then Secretary of State, and Hamilton, Secretary of the Treasury. War was then threatened between Great Britain and Spain.

WASHINGTON TO HAMILTON (THE SAME TO JEFFERSON).

U. S., Aug. 27, 1790.

Provided the dispute between Great Britain and Spain should come to the decision of arms, there is no doubt in my mind that New Orleans and the Spanish posts above it on the Mississippi will be among the first attempts of the former, and that the reduction of them will be undertaken from Detroit.

The consequences of having so formidable and enterprising people as the British on both our flanks and rear, with their navy in front, as they respect our western settlements, which may be seduced thereby, are obvious.

What then should be the answer of the Executive in case

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\*Hamilton's Works, vol. iv. Rufus King, Life and Correspondence, vols. ii, iii, iv.

Lord Dorchester\* should apply for permission to march troops from Detroit to the Mississippi?

---

JEFFERSON TO PRESIDENT WASHINGTON.

Aug. 28, 1790.

I am so deeply impressed with the magnitude of the dangers which will attend our Government if Louisiana and the Floridas be added to the British empire, that in my opinion we ought to make ourselves parties in the general war expected to take place, should this be the only means of preventing the calamity. But we should defer this step as long as possible, because war is full of chances, which may relieve us of the necessity of interfering, so that I am for preserving neutrality as long, and entering into the war, as late as possible.

---

HAMILTON TO WASHINGTON.

NEW YORK, Sept. 15, 1790.

Urgent avocations (putting laws of the last session in a train of execution) and a desire of reflecting maturely, and giving the reasons for the result of my reflections fully, have caused me to delay longer than I wished the answer to the questions with which you honored me.

. . . It is not to be forgotten that we received from France in our late Revolution essential succor, and from Spain valuable countenance and some direct aid. It is not to be doubted that the part they took is to be attributed, not to an attachment to our independence or liberty, but to a desire of diminishing the power of Great Britain by severing the British empire. In the progress of the war they lent us money. France has made us one loan since. Her conduct bore the marks of a liberal policy. She did not endeavor to extract from us, as the price of it, any disadvantageous or humiliating concessions. The conduct of Spain towards us presents a picture far less favorable. The direct aid we re-

---

L \*Governor of Canada.

ceived from her during the war was inconsiderable. She refrained from acknowledging our independence, nor made a treaty with us; she obstructs our sharing in the navigation of the Mississippi, and has not scrupled to intrigue with leading individuals in the western country to seduce them from our interests.

. . . An increase of the means of annoying us is a certain ill consequence of the acquisition of the Floridas and Louisiana by the British, not only from contiguity to our territory, but from the increased facility of acquiring an influence over the Indian tribes in the United States.

. . . A government scarcely ever had stronger motives to avoid war than the United States at the present juncture. They have much to dread from war; much to expect from peace; something to hope from negotiation, in case of a rupture between Britain and Spain. We are just recovering from the effects of a long, arduous, and exhausting war. The people just begin to realize the sweets of repose. Our national government is in its infancy. There is a general disinclination to war in all classes. The support of public opinion (perhaps more essential to our government than to any other) could only be looked for in a war evidently resulting from necessity. To the people at large the quarrel would be apt to have the appearance of having originated in a desire of shielding Spain from the arms of Britain. It seems our true policy to cultivate neutrality.

. . . The acquisition of the Spanish territories bordering on the United States by Great Britain would be dangerous to us. The same danger, if not to the same extent, will exist, should the territories remain in the hands of Spain.\*

---

TIMOTHY PICKERING, SECRETARY OF STATE, TO RUFUS KING,  
UNITED STATES MINISTER AT LONDON.

FEB. 15, 1797. We have often heard that the French Government contemplated the repossession of Louisiana.

---

\*Hamilton's Works, 1851, iv, 48-69.

You will see all the mischief to be apprehended from such an event; the Spaniards will certainly be more quiet and safe neighbors.

JUNE 20, 1797. We are not without apprehension that France means to renew the ancient plan of her monarch (Louis XIV), of circumscribing and encircling what now constitutes the Atlantic States. To the execution of a plan so dangerous to our union and peace, every real American must be firmly opposed.

---

RUFUS KING TO T. PICKERING, SECRETARY OF STATE.

LONDON, AUG. 5, 1797. The refusal to evacuate the Spanish posts (Natchez, etc.,) on the Mississippi according to the Treaty, the spoliation upon our commerce by the Spanish privateers, joined to the rumor that Spain has ceded Louisiana to France, lead me to apprehend that France has really become the proprietor of that extensive and undefined region.

---

RUFUS KING TO THE SECRETARY OF STATE.

LONDON, March 29, 1801.

The project has been discussed in the Directory, to obtain from Spain a cession of Louisiana and the Floridas. What was meditated has been executed; the cession of Tuscany to the infant Duke of Parma by the treaty between France and Austria forms a more valuable compensation to this branch of the House of Spain than was formerly thought of, and adds credit to the opinion that Spain in return has actually ceded Louisiana and the Floridas to France.

. . . I am apprehensive that Louisiana and the Floridas may be given to the French emigrants, as England once thought of giving them to the American Tories. . . . I hear that General Collot,\* with a considerable number of disaffected and exiled Englishmen, Scotchmen and Irishmen, is soon to proceed from France to the United States.

---

\*A French military officer, who had visited Louisiana in 1796.

Whether their voyage has any relation to the cession of Louisiana is matter of conjecture, but having heard it in connection with that project, I think proper to mention it to you. What effect a plain and judicious representation upon this subject to the French Government by a minister of talents and entitled to confidence, would be likely to have, is beyond my means of judging; but on this account, as well as others, it is a subject of regret that we have not such a character at this time at Paris.

LONDON, Oct. 9, 1801. Had France retained Egypt, her commercial and colonial views would have been chiefly confined to the Mediterranean. . . . This enterprise having failed, St. Domingo and her other American colonies will engage her attention, and perhaps Louisiana may be coveted as an asylum for their emigrants, as England once thought of making it a refuge for ours. May the same fortune which disappointed the views of England in like manner frustrate those of France!

---

ROBERT TROUP TO RUFUS KING.

NEW YORK, Oct. 14, 1801.

The Chancellor (Robert R. Livingston) is here with his family on the way to the Jacobinical paradise. He will embark on the Boston frigate that has come to waft him across the ocean. Report announces that the headquarter gentleman (President Jefferson) wished him to go in a merchant vessel; but he replied with true democratic spirit that he would not go if they did not send him in a government ship.

---

RUFUS KING TO R. R. LIVINGSTON, PARIS.

LONDON, March 23, 1802.

We may, if we deem it to our interest, without impropriety, attempt to acquire the legitimate title to Louisiana and the Floridas. If the title can be obtained in no other way than a direct purchase, a large sum of money will alone

procure it. Great as would be the benefit to us, I see little which authorizes us to expect that a measure of such magnitude, which would impose burthens upon our people, would be received with favor.

. . . France is one of the great powers which in some sort control the affairs of the whole earth; on this account it seems the duty of those who have a part to act in the concerns of other States, to study the genius and endeavor to understand the character of this reckless and powerful nation, which can only be opposed with success, when openly opposed; I do not mean force, but moral resistance, which consists in the frank explanation of the injuries we foresee, and the declaration of our own rights and duties.

With this way of thinking, I would lose no time in telling France our apprehensions, at the same time that I assured her of our earnest desire to live in harmony and friendship; I would inform our own people that I had done so. The truth should not be disguised from ourselves or others, that we are the first power in our hemisphere, and disinclined to perform the part of the second. Sentiments of this sort openly and unostentatiously propagated would have the effect to check measures to divide us, and enable us to defeat them, should they be attempted.

---

B. R. LIVINGSTON TO THE SECRETARY OF STATE.

PARIS, Sept. 1, 1802.

There never was a Government in which less could be done by negotiation than here. There is no people, no legislature, no counsellors. One man is everything. He seldom asks advice, and never hears it unasked. His ministers are mere clerks, and his legislature and counsellors parade officers.

---

B. R. LIVINGSTON TO PRESIDENT JEFFERSON.

PARIS, Oct. 28, 1802.

I had an interesting conversation two days ago with Joseph Bonaparte. He said, my brother is his own coun-

sellor, but we are good brothers, and I have access to him at all times. He told me that he had read my notes on Louisiana, and that he had conversed upon the subject with the First Consul, who, he found, had read them with attention, and told him that he had nothing more at heart than to be on the best terms with the United States.

---

R. B. LIVINGSTON TO CITIZEN BONAPARTE, FIRST CONSUL OF FRANCE AND PRESIDENT OF THE ITALIAN REPUBLIC.

PARIS, Feb. 27, 1803.

A long letter on the American claims for French Spoliation on American ships, and for the cession of the Floridas and New Orleans to the United States.—*State Papers and Correspondence*, pp. 115-122.

---

Mr. King performed initiatory and accessorial part in the attainment of Louisiana.—*Charles J. Ingersoll*; "*Recollections*."

---

R. KING TO R. B. LIVINGSTON, PARIS.

LONDON, March 11, 1803.

Should we like to see the English in New Orleans, not with view of keeping it, but to prevent its going into the hands of France; perhaps to assist us in acquiring a title to, and the possession of it? If you are authorized to negotiate a purchase, would not the occupation by the English benefit your bargain, it being understood that, if we obtain the title, they would give us the possession? This is mere speculation, but may be worth consideration.

---

RUFUS KING TO JAMES MADISON, SECRETARY OF STATE.

LONDON, March 28, 1803.

War (against England) will probably be declared and commenced by France.

APRIL 2, 1803. In a late conversation with Mr. Addington, he observed to me, if the war happen, it would perhaps be one of their first attempts to occupy New Orleans. I interrupted him, saying, I hoped the measure would be well

weighed before it should be attempted, that true it was we could not see with indifference that country in the hands of France, but it would be equally contrary to our views, to see it in the possession of England. We had no objection to Spain continuing to possess it; they were quiet neighbors, and we looked forward without impatience to events which, in the ordinary course of things, must at no distant day annex this country to the United States. Mr. Addington desired me to be assured that England would not accept the country, were all agreed to give it to her; that were she to occupy it, it would not be to keep it, but to prevent another power from obtaining it, and this would be best effected by its belonging to the United States. I expressed acquiescence in the last part of his remark, but observed that if the country should be occupied by England, it would be suspected to be in concert with the United States, and might involve us in misunderstanding with a power with which we desired to live in peace. He said: If you can obtain it, well; but if not, we ought to prevent it going into the hand of France, though you may be assured nothing shall be done injurious to the United States.

---

R. B. LIVINGSTON TO THE SECRETARY OF STATE.

PARIS, April 11, 1803.

I have written Mr. King, pressing him to stay until a successor is appointed. The moment is so critical that we cannot justify being without a minister in England, and he is a very useful one.

---

MADISON TO LIVINGSTON AND MONROE, PARIS.

DEPARTMENT OF STATE, April 18, 1803.

[This letter contains a reference to British designs for the acquisition of the country now embracing Iowa and Minnesota, where British traders were carrying on a profitable fur trade.]

The anxiety which Great Britain has shown to extend her domain to the Mississippi, the uncertain extent of her



claims from the north to the south beyond the western limits of the United States, and the attention she has paid to the northwest coast of America, make it probable that she will connect with a war on this occasion, a pretension to the acquisition of the country on the west side of the Mississippi, understood to be ceded by Spain to France, or at least of that portion of it lying between that river and the Missouri. The evils involved in such an extent of her possessions in our neighborhood, and in such a hold on the Mississippi, are obvious.

---

BUFUS KING TO R. R. LIVINGSTON, PARIS.

LONDON, May 12, 1803.

Met Mr. Addington by appointment; spoke to him respecting the probable cession of Louisiana by France to the United States. He declared his hope that it had taken place. I alluded to the provisional expedition (by England) to occupy New Orleans. He said that would be wholly out of view if we acquired it, and on this point was very explicit that England would be satisfied if the United States obtained Louisiana.

MAY 15. R. King communicates to Lord Hawkesbury information of the treaty of cession, April 30th.

MAY 19. Lord Hawkesbury replies that his Majesty receives the intelligence with pleasure and cordial assurances of good will.

---

R. R. LIVINGSTON TO THE SECRETARY OF STATE.

PARIS, May 12, 1803.

On my arrival I found the credit and character of our Nation very low. They were considered speculators, whose god was money. The features of our statesman, drawn from caricatures in our newspapers, were viewed as likenesses, and the democracy of America was believed to be the mad Jacobonism of France. The President was considered as among the most mad, because the head of the party, and it was not doubted that his minister in France partook of his phrenzy. Some of my former friends were sent to sound

me on the subject of the existing Government here. Satisfied that nothing short of what had taken place could have lessened the calamities of France, I answered them in such a manner as to satisfy them that I meant to have no intrigues with its enemies. I avoided all connection with them, and in consequence began to acquire a degree of favor at Court.

Among the most favorite projects of the First Consul was the colonization of Louisiana. He saw in it a new Egypt, a colony to counterbalance the eastern establishment of Britain. . . . To render the acquisition still more agreeable to the people, exaggerated accounts of its fertility, etc., were sold in every print shop. My first endeavor was to remove these impressions from the minds of the people most likely to be consulted, in which I was successful. But they all told me that it was a favorite project with the First Consul, nor would any of them hear of disposing of it by sale. As he had before read with considerable attention my Notes on the relative naval force and commerce of France, England, and the United States, and paid me some compliments upon it, I got the essay, "Will it be advantageous to France to take possession of Louisiana?" under his eye. It was read with attention, and, though I think it weakened his belief in the importance of Louisiana, yet, as he does not easily relinquish his plans, he still prosecuted them though with less ardor. As I knew that his ministers seldom dared to interpose their opinions, it was necessary to apply directly to him, through the only person who was supposed to have any influence with him. Some days after, that person told me that the First Consul had read it with attention, and approved my proposition in part, not to the extent I had proposed. I am satisfied that from this period they had determined to let us have New Orleans and the territory above the Arkansas, in exchange for certain commercial advantages, but that nothing could be done until the business with Spain was terminated. This had the effect of removing every doubt relative to my sentiments of the present Gov-

ernment, and led to a kind of personal consideration I have ever since enjoyed here. . . . Two causes suspended any absolute determination: 1st. The state of the negotiation with Spain; 2nd. My want of power or instructions; while I endeavored to pave the way for something conclusive when I should receive them.

The First Consul had an idea that by taking possession of the country, he could more advantageously treat with our Government; and Talleyrand told me that everything would be arranged, but they must first take possession.

. . . A sale has always been disrelished, as I was constantly told by Talleyrand and Marbois. What I believe principally drove the First Consul to this measure was the promise he hastily made me to pay our debt fully and promptly, which he found himself in no situation to fulfil, and yet knew not how to elude, as I pressed it at every turn, and told Talleyrand and all the Consul's friends, that I had communicated it not only to the Government, but to the creditors, with the declaration that they might rely on it, as no one could believe that a man of the Consul's character, a sovereign and a soldier, could break his word.

. . . The resolutions proposed in Congress in consequence of the business of New Orleans, which I enclosed to the minister, proved we were not to be trifled with, and the probability of a rupture with England hastened their determination. They saw as M. Talleyrand told me, that if they gave what I asked (the country north of the Arkansas river), the rest was not worth keeping. This, and the impossibility of otherwise keeping faith with us, produced a determination to sell. There was a moment, even after Talleyrand called on me to set a price, that I thought the whole might drop through. It was then, he pretended he spoke without authority, that Louisiana was not theirs. But that mystery was cleared the next day.

As I believe that next to the negotiation which secured our independence, this is the most important that the United

States have ever entered into, I thought everything that led to it might interest you and the President. I wished you to be minutely acquainted with every step I had taken; my verbal communications with everybody to whom I had access, it would be impossible to detail. Nothing was neglected on my part, and I hope the issue may be acceptable to our country.

---

LIVINGSTON AND MONROE TO MADISON.

PARIS, May 12, 1803.

We have the pleasure to transmit to you a treaty which we have concluded with the French Republic for the purchase and cession of Louisiana. The negotiation on the part of France was committed to M. Marbois, Minister of the Treasury, whose conduct has received the sanction of his Government, as appears by the ratification of the First Consul. An acquisition of so great an extent was not contemplated by our appointment; but we are persuaded that the circumstances and considerations which induced us to make it will justify us in the measure to our Government and Country.

Before the negotiation commenced we were apprized that the First Consul had decided to offer the United States, by sale, the whole of Louisiana, and not a part of it. So that we had to decide whether we would treat for the whole, or jeopardize, if not abandon, the hope of acquiring any part. We did not long hesitate, but proceeded to treat for the whole. On mature consideration we concluded a treaty on the best terms we could obtain.

. . . The First Consul had promised Louisiana as an asylum to those who had been unfortunate in the Revolution.

. . . We received a letter from Mr. King, in which he says that in case of war, which he deemed inevitable, the British Government contemplated taking possession of New Orleans. He desired information to be communicated to that Government whether it had been ceded to the United

States, as he presumed a knowledge thereof would prevent the measure. We gave an immediate reply to his letter. We made the same communication to the British Ambassador here (Lord Whitworth), who expressed himself well satisfied with the event.

---

JAMES MONROE TO THE VIRGINIA SENATORS.

PARIS, May 25, 1803.

The decision to offer us the territory by sale was not the effect of any management of mine, for it took place before I reached Paris, nor of my colleague, or it would have taken place sooner. Being postponed until my arrival in France is a full proof that it was the result of the causes mentioned: an approaching rupture with England, the character our country had formed, and its pacific relations with and respect for this Government (the French Republic).

Personally I pretend to nothing but zeal and industry after I got here, a merit equally due to my colleague. It is proper to add that I expect no misrepresentation from him, and I am happy to bear testimony in the most explicit manner in favor of his zealous, sincere and diligent cooperation through the whole of this business.

---

LIVINGSTON AND MONROE TO MADISON.

PARIS, June 7, 1803.

We thought we could discover some symptoms of discontent in the Government with the bargain it had made. We are convinced that if the bargain was not complete, or was within the reach of the Government, that it would not take place, even on terms different from those stipulated. . . . The First Consul in the moment of chagrin at what he may consider a bad bargain (we think a good bargain for him), might have so compromitted himself as to have made the transaction a cause of future discontent between the two nations, instead of the establishment of perpetual peace.

---

## LIVINGSTON TO MADISON.

PARIS, June 25, 1803.

You will remember that in one of my letters I request you to set on foot a negotiation with Britain for ascertaining your northwestern boundary. I was at that time endeavoring to excite an alarm here that should put us in possession of the country above the Arkansas. I have felt distressed that I never found these suggestions noticed or encouraged by our Government. But presuming they ultimately would be, I have concealed my want of powers, and acted as if I possessed them; and to this, as well as to the firm attitude our Government took, you may attribute the success of our negotiation. I hope nothing will prevent your immediate ratification, without altering a syllable of the terms. Be persuaded that France is sick of the bargain, that Spain is much dissatisfied, and that the slightest pretense will lose you the treaty. Nothing has raised the reputation of our country in Europe so high as the conduct of our Government upon this occasion.

---

## MADISON TO R. R. LIVINGSTON.

DEPARTMENT OF STATE, July 29, 1803.

The difference in the diplomatic titles given to Mr. Monroe from that given to you, and which you understood to have ranked him above you, was the result of an error in the clerk who copied the document, which escaped attention when signed. It was not the intention of the President that any distinction of grade should be made between you. According to Vattel, the characters of Minister Plenipotentiary and Envoy Extraordinary are of the same grade.

---

## MADISON TO LIVINGSTON AND MONROE.

DEPARTMENT OF STATE, July 29, 1803.

In concurring with the French Government to treat for the whole of Louisiana, although the western part was not embraced by your powers, you were justified by the solid

reasons you gave for it, and I am charged by the President to express to you his entire approbation for so doing. . . . When your instructions were made out, the object was limited to the establishment of the Mississippi as our boundary. It was not presumed that more would be sought by the United States with hope of success. Nor was it to be supposed that an arrangement with Spain for returning to her the country on the other side, would not be preferred to a sale of it to the United States. It is just ground for felicitation that the crisis (war between France and England) has issued under your zealous exertions in the extensive acquisition beyond the Mississippi.

. . . The note of Mr. Livingston, stating to the French Government the idea of ceding the western country above the Arkansas, was not received here till April 5th, more than a month after the commission and instruction had been forwarded.

---

RUFUS KING TO CHRISTOPHER GORE.

NEW YORK, January 4, 1804.

The relinquishment of the (proposed) French expedition (from Holland) to colonize Louisiana, and the cession of Louisiana to us, is solely to be ascribed to the war with England.

. . . The overture to cede Louisiana came from France, and not from our envoys. It is due Mr. Livingston, whose zeal upon the subject had prompted him to use unwearied and various exertions to convince France of the impolicy of her expedition to Louisiana, to declare that this business was so far settled before Monroe's arrival at Paris that nothing remained for him to do but to give his consent and signature to the contract.

. . . The debates in Parliament upon the Treaty of Amiens show the strong aversion of England to the occupation of Louisiana by France, and must have satisfied both France and America that, unless vanquished, England would not consent to Louisiana being colonized by her rival.

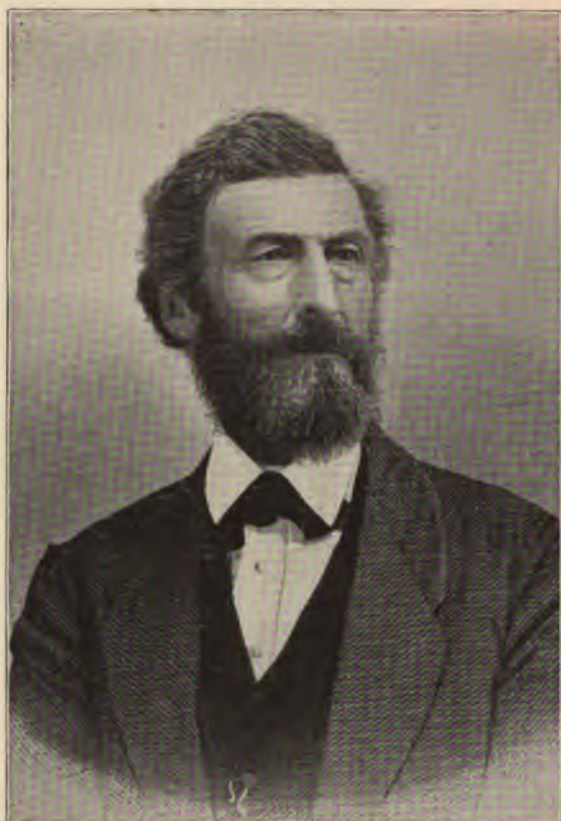
## ENOCH WORTHEN EASTMAN.

BY HON. W. J. MOIR.\*

This distinguished Iowan was born in the town of Deerfield, Rockingham county, New Hampshire, on the 15th day of April, 1810, of English-Scotch descent. His was the seventh generation from the emigrant ancestor, who settled, on his arrival in America, in Salisbury, Massachusetts. His grandfather, Ephraim Eastman, was in the battle of Bunker Hill, and his father, John Eastman, who was a native of New Hampshire, served as a Lieutenant in the war of 1812. Enoch was the third in a family of seven children. His father was not a man of wealth, and he was obliged to rely upon his own resources to a great extent in obtaining an education. Often his pathway seemed beset with obstacles almost insurmountable, but his great energy and indomitable perseverance enabled him to succeed in a manner that was highly gratifying to the many friends of his youthful days. He lived at home during a large period of his minority, worked on his father's farm, and in a saw-mill, attended the district school until he obtained a fair common school education, and taught several terms of school as a means of support as nearly all great men have done. Not content with a common school education, by his own energy he

\*William J. Moir was born in Banffshire, Scotland, October 19, 1824. He came to this country with his parents in 1830. He was educated at Derby Academy, Vt., and was naturalized at Plymouth, Ind., in August, 1854. At the latter place he studied law and was admitted to the bar in 1856. He settled in Eldora, Hardin county, the same year, where he has since resided and practiced his profession. He has twice served—in 1862 and 1864—in the Iowa House of Representatives, where he proved himself a useful and conscientious member. He also served twelve years on the Eldora school board, and was twice elected mayor of that city. Mr. Moir was the leader in the work of founding the State Reform School at Eldora and one of its warmest friends and promoters. He served as one of the Board of Trustees—with the exception of two years—from the beginning, until it was taken in charge by the Board of Control in 1888. He was many years treasurer of the institution, during which time he disbursed the sum of \$1,228,557.25, for which he never asked nor received any compensation whatever. His services in connection with the Reform School have always met with hearty approval, and he is well known to the people of Iowa from his long and efficient work in building up that institution.





*E. W. Eastman*

ENOCH WORTHEN EASTMAN,

Pioneer lawyer; Lieutenant-Governor, 1864; State Senator, 1884. Author  
(1850) of the sentiment—"Iowa: Her affections, like the rivers  
of her borders, flow to an inseparable Union"—in-  
scribed on the Washington monument.



earned means to attend the academies of Pembroke and Pittsfield.

After thus preparing himself as thoroughly as possible in the usual academic branches, he began the study of law about the year 1835, choosing the legal profession as the one best adapted to his tastes, and one from which he might gain a livelihood in after life. He studied law under the direction of the Hon. Moses Norris, of Pittsfield, New Hampshire, who was one of the leading attorneys of that State. Under his able instruction he received a thorough knowledge of his profession, and was honorably admitted to the bar, at the June term of the Supreme Court, in the year 1840, in Concord, New Hampshire, and practiced his profession in his native State successfully for several years.

Desiring a larger field for his life-work, he obeyed Horace Greeley's injunction—"Go West, young man!"—and in 1844 migrated across the Mississippi, settling in Burlington, where he found, to his great satisfaction, plenty of room in which to gratify his ambitious mind. He remained in Burlington until the year 1847, when he removed to Oskaloosa, Iowa, where he practiced his profession with renewed success until 1857; at that time he came to Eldora, Iowa, where he resided until the 9th of January, 1885, when he crossed that sea on which sail no return vessels.

During his professional career he occupied a leading position, and was engaged in many of the most important cases in the State. He was generally successful, and in the long-to-be-remembered county seat contest between Eldora and Point Pleasant, he was the leading attorney for Eldora, and to his shrewdness, energy and ability, the people of that town are largely indebted for the retention of the county seat.

In personal appearance Mr. Eastman was somewhat angular; he had a spare form, but was quite muscular, and capable of enduring much fatigue. He was about six feet two inches in height, and weighed over 180 pounds when in

good health. He had an active brain and very expressive features, and his head was covered with heavy dark hair, that the frosts of time tinged with gray sometime before he died. As a neighbor he was loyal and true, and as a husband and father he was kind and affectionate.

Mr. Eastman was united in marriage January 8, 1845, to Sarah C. Greenough, of Canterbury, N. H., a graduate of Mt. Holyoke Seminary, at South Hadley, Mass. From her parents she inherited strong New England proclivities, which shone conspicuously during her whole life. She was an excellent neighbor, and a lovely and affectionate wife and mother. She died in 1861, leaving three daughters and one son who are still living. In 1865 he was again united in marriage with Miss Amanda Hall who was a native of New York, a highly educated lady, a graduate of Binghampton Seminary; by her he had one son now deceased. This second wife survives him.

From early manhood, all through his long eventful life, he was religiously inclined, a close Biblical student, and was ever ready with a quotation from the Bible to sustain a theme or round out an argument. In early life he was a member of the Unitarian church, and after he came to Eldora, while he did not become a regular member of the Congregational church, he was a member of the Congregational Society, and a regular church attendant. He taught a Bible class in the Sunday school, and gave liberally to the support of the church. He played the violin, and often led the choirs in the various churches that he attended in his younger days.

He was of a kind and benevolent disposition, never suing a man for a debt due himself. To illustrate, on one occasion he called his son to his side, took from his desk a bundle of promissory notes, some fairly good, some doubtful, and some barred by statute, and upon ascertaining the aggregate amount to be over \$5,000.00 said, "These notes are all against poor men. I am better able to waive pay-

ment than they are to pay them. Burn them." This was accordingly done, and \$5,000.00 in notes went up in flame and came down in ashes.

In the year 1850 Mr. Eastman first received light in Masonry in Triluminar Lodge, No. 18, at Oskaloosa, Iowa, and served as Master of his Lodge for several terms. In 1854 he was exalted to the degree of a Royal Arch Mason, in Hiram Chapter, No. 6, at Oskaloosa, and in 1857 became its High Priest. In the same year he was called by his companions to preside over the Grand Chapter as its Grand High Priest, and I am informed by his brother Masons that his career in Masonry was a highly successful one. Upon all questions coming before him in his official capacity, he brought to bear that practical good sense with which he was so bountifully endowed.

Politically Mr. Eastman was a Democrat until the development of those principles that culminated finally in the rebellion of the Southern States. He did not believe in the doctrines promulgated by the Democratic party which nominated James Buchanan for President in 1856, and refused to support him. In 1857 he allied himself with the Republican party.\* About this time he published an article in which he said:

How, now, stands the Democratic party, headed by James Buchanan? We have acquired New Mexico and Arizona from Mexico, embracing a territory equal to five states as large as Iowa. Mr. Buchanan says, that slavery now exists there under the guardianship of the Federal constitution, and must so remain as long as the territorial condition remains. This I call extending slavery. I will neither advocate nor support such doctrines, nor will I remain in a political party that does. As Maj. Jack Downing once said, "I am going to shoulder my axe and be off."

His old time friends sneeringly asked, "where will Enoch go now to get his axe ground?" In his characteristic manner he replied:

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\*There has been some controversy among the surviving Iowa politicians of his day in regard to the time that Eastman "shouldered his axe and left the Democratic party." Mr. Moir gives too early a date. The writer of this note is quite certain that it was not earlier than 1859 or 1860.—EDITOR OF THE ANNALS.

## ANNALS OF IOWA.

... taking such a deep interest in having my  
... years I have chopped for the Democratic  
... of these men in all that time has  
... having it ground. You can say  
... ground. I have done chopping.  
... every axeman knows that a dull axe  
... this new-fangled platform, the  
... to split it down, and will most  
... others who are engaged in the same

... subject of reconstruction by  
... being mooted by a portion of  
... Being a New Eng-  
... very emphatic language  
... made in Eldora.

... congress, and in some of the  
... the west with the south and  
... the day when I can-  
... part of my country.  
... and death, come what  
... New England. Where it  
... and her people shall

... politician.  
... solicitation  
... republican  
... M Stone  
... He  
... up to that  
... State office.  
... of 1864.  
... during  
... of his ability  
... I watched  
... somewhat  
... somewhat  
... to be fair and impartial in his rulings, and a  
... He took the gavel in hand while the

rebellion was still progressing. Some idea of the boldness and patriotism of the man, and the spirit of the times, may be seen by referring to short extracts from his speech made on taking the chair and which are found on page 65, *Journal of the Senate*, 1864. He referred to the perilous times in which we were then living, to the fact that there were disloyal men in Iowa, and of the possibility of there being some member of the State Senate whose devotion to the Union had ceased to exist, and then added:

If, unfortunately, such an one is here, my heart's desire and prayer to God is, that his tongue may be paralyzed and cleave to the roof of his mouth whenever he attempts to utter the intent of his heart. For the honor of the State, I do hope that the patriotic men of Iowa who have taken their lives in their hands and gone to the tented field, will not receive a shot in the rear from any member of this honorable Senate. . . . Every one goes beyond the bounds of loyalty who talks the government into disrepute with the people. Sedition and treason are first promulgated, and then consummated by a licentious exercise of speech. I hold that no man has the legal, moral, or political right to begin to do, or even to advocate that which the law will punish him for consummating.

Golden words—applicable as well today as when they were uttered in the Iowa Senate. He further added:

Believing, therefore, as I do, that the axe should be laid at the root of the tree, I will hold it unparliamentary for any one to talk treason, or advocate the cause of secession, or any dismemberment of the Union, or in any way give aid and comfort to the rebellion by pleading the cause of the traitors, or denouncing or disparaging the government in this Senate while I preside over it. The right of speech in a legislative assembly does not extend beyond the bounds of loyalty.

During that session there were no treasonable speeches in the Iowa Senate. All knew that his words were gospel truth; they will stand as such until the last syllable of recorded time.

In 1883 he was called by the people of Hardin and Grundy counties to represent them in the Senate of the 20th General Assembly, and he took a leading part in shaping the legislation of that session. Many more matters might be referred to that would add lustre to the fair fame of our friend did time and space permit. Two more will suffice.

The Territorial Legislature of Iowa passed an act which was approved Feb. 12, 1844, submitting to the people the question of the formation of a State Constitution, and providing for the selection of delegates to a convention to be convened for that purpose. This measure carried by a large majority and the delegates elected assembled in convention at Iowa City, October 7, 1844. The convention completed its work, and the first State Constitution was adopted, so far as that convention was concerned. Hon. Shepherd Leffler, the President of the Convention, was instructed to transmit to Congress a certified copy of the Constitution, in which it was also provided that it should be submitted, together with any changes that might be made by Congress, to the people of the Territory for their approval or rejection, at the township election in April, 1845. In the constitution thus adopted by the Iowa City convention, the State boundaries were fixed, and were considerably more extended than other western states, taking in a large part of what is now Minnesota. Congress therefore amended the Constitution by an act March 3, 1845, fixing the western boundary line on the meridian 17 degrees 30 minutes west of the meridian at Washington city, D. C., which is on a line between what is now Kossuth and Emmet counties on the north and Taylor and Ringgold counties on the south.

This radical change in the boundary by Congress was very distasteful to the people, and had the constitution been adopted we should have had a State whose shape we should have detested every hour of our lives, instead of having the best shaped State in the Union. Something must be done and done quickly. Enoch W. Eastman, Maj. Fred. D. Mills,\* and T. S. Parvin of Cedar Rapids, at once took active measures to defeat if possible the adoption of that Constitution, and while Mr. Parvin visited the counties in the 2d Judicial District, in which he had for some time prior been

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\*Maj. F. D. Mills was a soldier in the Mexican war and fell at the battle of Churubusco.



district attorney, Mr. Eastman visited a large portion of the then Territory, and spent much time and money, travelling by night and by day, sometimes on foot and sometimes by stage coach (as the iron horse was not then known in Iowa). It is an undeniable fact that but for Mr. Eastman primarily, and the aid rendered him by Messrs. Parvin and Mills, the constitution of 1844 would have been adopted, thus cutting off about one-third of the western portion of our State. Many of those who lived at that time, feel that the people of the State of Iowa owe to Governor Eastman a debt of gratitude, and that they should repay him by some tangible demonstration in recognition of the services so rendered in thus assisting in shaping the destiny and boundaries of the State of Iowa. But it is an old saying, and alas too true, that "Republics are ungrateful." By the hardest kind of work the people were induced to reject the constitution at an election held August 4, 1845, by a vote of 7,656 against 7,235.

When the Washington Monument was projected in Washington, D. C., the State of Iowa was invited to furnish a stone\* to be placed therein. The invitation was accepted. The stone was taken from a quarry in Van Buren county. The Secretary of State at that time was a Van Buren man, and he advertised for a motto to be inscribed on the stone. Several mottoes were presented, among them one from Mr. Eastman, which was accepted. It read as follows: "Iowa, the affections of her people, like the rivers of her borders, flow to an inseparable union." Thus this motto is now generally quoted, and many think it thus appears upon the stone; but it is not so inscribed. The sculptor found that the stone was not large enough for the full motto, so with the consent of the state officers, he abridged it by substituting the following: "Iowa, her affections, like the rivers of her borders, flow to an inseparable union." The change

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\*For a full history of this Iowa stone see p. 661, vol. 1, 3d series of *THE ANNALS OF IOWA*.

detracts nothing from the beauty and originality of the sentiment in the motto as given by its author, which never could have been given or accepted, had the constitution of 1844 been adopted. Thus have I briefly traced some of the principal events in the life of my friend. As a writer he was forceful, vigorous and original. As a speaker he was one of the most widely known as well as one of the most popular in the State. No man who has lived in the State of Iowa, has done more to shape public opinion, and to carry wise principles to a successful issue than Enoch Worthen Eastman.

ELLORA, IOWA, Feb. 1, 1904.

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ICARIANS AT NAUVOO.—A general meeting of the citizens of Nauvoo, was held at the Icarian house on the 6th inst., to whom M. Cabet, the principal of the society of French, known as Icarians, delivered an address. After which, the meeting passed resolutions complimentary to the French, and welcoming them to our land. To these resolutions Mr. Cabet responded, expressing the thanks of his people to the citizens. He said they had chosen this country as the land of the free, and determined to submit to its laws. If any one should say that the society is "contrary to the laws of God, he would be mistaken. We are Christians. The Gospel is our law. Our community is founded not only on fraternity, equality and liberality—but also upon morality and temperance—on marriage and family relations—on education and industry—on peace and respect to the laws, and we shall always pray for the prosperity of the great and powerful American Republic." It seems from this announcement of the principles on which the society is founded, that the Icarians have been injuriously slandered in some quarters. —*The Fort Des Moines Star*, Oct. 12, 1849.





THE HEDDLESTON-SIGLEE-COLTRAIN MILL, CEDAR TOWNSHIP.  
The only one remaining of thirty pioneer mills on the minor streams of Van Buren county.

## FRONTIER MILLS.

BY GEORGE C. DUFFIELD.

While James Duffield was leading his family into what is now Van Buren County, Iowa, in April, 1837, there were thousands of settlers on the move toward the same country. Coming from Pennsylvania and Ohio, they were leaving actual or prospective improvements of vast importance. Canals, mills, factories and steamboats were everywhere. They were joined on the way down the Ohio by movers from the Carolinas, Kentucky and other states, and all were afloat in keel boats, "broads" and steamboats. "Times," the nation over, were "hard," which was the reason for a great part of the crowding to the west. The people literally poured across the Mississippi and up the Des Moines, in '37, '38, '39 and '40, and all with the full sense of the contrast between improved localities such as they had left, and the unimproved like that to which they were going. The people as a class were of excellent stock, though of indifferent or reversed circumstances. It is clear, then, that among the scrambling claim hunters, there were the most progressive, hopeful and provident of men. They anticipated the vast commercial importance of the running streams; and, as legislators, not only gave mill grants along the Des Moines and Skunk Rivers, but along Big Cedar Creek. In those grants they required the construction and free maintenance of locks and gates for the passage of "steam, keel, and flat boats and other water craft" in the first two streams named, and fixed the dimensions of the Skunk River locks at 75 feet in length by 15 in width. (Statute Laws of the Territory of Iowa, 1838-1839). While others thronged along the Des Moines timber and up the minor streams staking out "eighties" and "quarters," these men were threading the channels locating mill sites. Indeed, mechanics, especially mill-wrights, were in numbers out of proportion with other

A quicker method was "whipsawing" it. A platform would be reared on the side of a hill, a pit dug beneath, and a log rolled on it. A man in the pit and one on the log, with a saw like the common crosscut saw, would rip the log up into half a dozen nice planks in a few days. But this was also slow and hard work. Those old millers saw a better way. They all agreed as to the value of the running streams, but applied this power in various ways.

Samuel Clayton built his cabin at the mouth of Chequest Creek in 1836, raised a little patch of corn, and was joined by his family in 1837. That year, with his sons Henry and Harvey, he built a dam about a mile above, on Chequest. He was the first settler, and his was the first mill west of the Des Moines, in the present limits of the State of Iowa. The Clayton boys were our playmates, and such idle time as we could get was spent around that mill during its construction and use. The mills on all the little streams were almost alike, the difference being in the dam, the wheel and in the fact that some were only saw mills, some grist mills and some saw and grist mills combined. In describing the Clayton mill, I will have described all the rest, except where I note differences. The Claytons felled trees on both sides of the creek, cut them into the longest logs possible, hewed them on two sides, and laid them end to end, spliced and pinned, clear across the creek on bed rock. Three or four such lines laid down, two or three feet apart, notched every four or six feet and cross ties laid in and pinned, made the foundation frame. The pens thus formed were filled with clay from the hillside and stone from the creek-bed. This was the start, and with two more lines of timbers, notched and laid down on the ends of the cross ties, and over the outside timbers of the foundation, then other cross ties, and more long timbers, formed a row of cribs, and gave the dam its name of "crib dam." It was raised some two feet higher at the down-stream side than the up-stream. The cribs filled with stone and clay, and roofed with plank, or logs



*Samuel Clayton*

SAMUEL CLAYTON.

The first settler, and builder of the first mill west of the Des Moines river in the Territory of Iowa.





finished the main part. To prevent the back wash from undermining it, there was a row of secondary cribs built along below and pinned to the main dam. This, filled and roofed like the main dam, the roof slanting from a couple of feet under its comb to a few inches of the bed of the creek, was called the apron. The whole structure was 14 or 16 feet through, 8 or 10 feet high and some 60 or 65 feet long.

Brush dams were made by commencing with the same foundation, then upon this laying the tops of trees, the butts up-stream. These were weighted down solid with clay and stone, then another layer of brush, the butts a little further up-stream so as to raise the limbs a little steeper, and this weighted as before. Then another layer of brush, and so on until the proper height was reached. This was a quickly made, cheap, and sufficient dam. Though not so enduring as the crib dam, it was used a great deal more often, in the little streams. Both brush and crib dams were finished like the Clayton dam. A trench, somewhat wider than the thickness of the dam, was dug into the south bank of the stream. The foundation was built into it some 12 or 14 feet, and the cribs continued up some five feet, while the rest of the dam was raised to full height. The apron stopped at the place where the low place began. This low place was now floored with plank, the end of the dam finished up with the same planking, and a plank wall raised against the bank opposite the end of the dam. This plank floor and walls formed the race. Wickets at the upper and lower ends let the water through upon the wheel.

The old water wheels all ran with a horizontal shaft. No turbines were in use for several years. A "screw auger" wheel was in use in some of the river mills, but on the minor streams only the undershot, overshot and flutter or breast wheels were used. The undershot was a large wheel, 16 or 18 feet in diameter. It received the force of the water on its under edge, turned very slowly, and could only be used with gearings, a rare and expensive equipment. The over-


shot was a big wheel, about the size of the undershot, which received the water at the front and top and revolved very slowly away from the current of the stream. It was only found where a dam was built a long ways above the mill, and the water led out from the race into a flume along the bank, gradually gaining fall, and being discharged over the wheel back into the creek. The flutter or breast wheel was the standard wheel in this country. It was simple, used small head of water, and needed no gearing. It was constructed upon a shaft that was about a foot in diameter, long enough to carry the wheel and give a bearing on each end. Holes were mortised through, say a foot from the bearings, not intersecting, and about three by six inches. Through the holes were driven tough scantling, which, being sawed off two or three feet from the shaft, formed the two ends of the wheel. It was completed by pinning to each pair of spokes a plank three by twelve or fourteen inches, and of the length of the wheel as designed (Clayton's flutter wheel was six feet). Boards were then pinned with their flat sides toward the shaft, in the angles of the spokes, and some 18 or 20 inches from the shaft. This gave something the appearance of a headless drum with vanes or flanges extending out of its eight corners. The shaft rested on bearings cut into logs left projecting from the underside of the race for that purpose. It was held down by cap bearings fitted over it, and pinned with long tough pins. The shore end of the shaft was fitted with the crank iron, the largest, and almost the only piece of metal in the structure. The water struck the wheel a little short of its top and revolved it toward the dam. When not attached to machinery it ran very rapidly. The crank was about 18 inches long, and its bearing, or wrist about 3 or 4 inches in diameter. Upon it there was slipped the pitman shaft. This was a tough piece about 2 by 4 inches, 6 to 8 feet long, with one end concaved to fit the crank, and with a pliable, split hickory bent into the shape of a U slipped over the crank and pinned to the sides

of the shaft. This bearing and those on the main shaft, when lubricated at all, received a coat of soft soap, or a bushing of pork rind. Often they ran dry, and the noises which came from them can be imagined. The pitman shaft was attached at the top, almost above the crank, to the bottom of the saw sash, with a pin joint. This saw sash was arranged exactly like an ordinary window sash of two panes, the partition between the two panes representing the saw blade, and the finger-lift the pitman attachment. The saw blade was about eight inches wide, with teeth about 2 or 3 inches long, slanting so as to cut only when coming down. To feed the log to the saw, there was a series of rollers at the front and back of the saw, turning on journals made stationary. The rollers had notches around them near their ends. In these notches ran the sills of a frame on which the log was rolled, fastened, and then pried forward with hand spike or crow bar. Of course it was not long until automatic feed was arranged. But as described, this was away ahead of hewing or whipsawing boards.

I have described no building, for up to this point none had been erected. In fact, many of the old mills sawed their lives away without shelter of any kind. To this mill father hauled the first logs that entered into the building of a house in this section. It was in the fall of 1837. I am not sure as to the stage of water, but many times I have seen a log started into that saw and the boards ripped off at a speed that now seems marvelous. Then again, I have seen the saw start in with a will, slack its speed and stop before the length of the log was made. Then the gate would be shut down until the pond would fill up, then a start, a short run, another start and so on. A slow and tedious process compared with that of modern steam saw mills.

While the Claytons were building their mill, our family was producing its first crop. Scarcely had we got our household goods into the house, before a little cleared ground was plowed, and the precious potato eyes planted. Such was the

scarcity of food, especially of potatoes, that no one thought of planting the whole of the potato. I have known of the peelings selling for two dollars a bushel, for seed. The plowing was done with the oxen and the rudest old wooden mold board plow, with John doing the work. John scarcely got a rest, except when the ground was frozen, for several years. Settlers without force to break their ground were numerous, and oxen, plow and boy went for miles around to help. Our own ground was barely cleared of the brush, the smaller trees cut and burned and the grass roots scratched up, before spring wheat was sown and corn planted. The larger trees were cut and removed, and fences built after the planting. Ground once broke, got no further attention except from four or five boys and girls with hoes. The new clean soil had no weeds, and grass and sprouts were subdued with these hoes. These, like nearly every other farming tool were hammered out by the frontier blacksmith, from almost any piece of metal he could get. We brought ours with us. They were heavy blades with an eye about an inch in diameter welded on, through which was driven a tapering hickory pole with the bark on, the butt being driven into the eye tightly, and wedged. The bark wore hard and slick from the hands. This implement became smooth and bright, and all over its surface showed the irregular edges of the welded pieces much like those on fine modern gun barrels. As the season advanced, the contents of meal "chist" and flour "bar'l" vanished, and even when new potatoes, wild fruits and meats in abundance were at hand, yet the question of bread became a serious one. I have heard, and told, tales of "hard up" early times. Such are usually accepted as funny. But I almost shudder to think of those early settlements strung along the streams, with the chance of bad crops, no stores of provisions, no way to reduce grain to an edible state, and no roads across prairies from one stream to another. The trails to and from the Mississippi at times were impassable. That there was no famine is due to the





A BEAUTIFUL IOWA SCENE JUST ABOVE THE MOUTH OF CHEQUEST CREEK, ADJACENT TO THE SITE OF CLAYTON'S PIONEER MILL, AND NEAR THE PRESENT RESIDENCE OF MR. DUFFIELD.



oversight of a kind providence, and the combination of the almost more than human effort and adaptability of the settler. Julys, Augusts and Septembers of the first few years found the grain supply very low, money always scarce and resources almost exhausted. So at the maturing of that first crop of corn, I shall never forget with what satisfaction Father was met when he came in with the first arm load of "roasting ears." It may have been a Sunday, anyway it was a day of change from the monotonous round in the way of food. The milky ears were stripped out of their husks, these tied back, and the silks removed, and all strung on the "jerk stick" over the fire. Hot, crisp and brown, we munched it off without stopping for seasoning. Of course after the first few meals we craved it less, and after a while the eating of it became as much a duty as delight. We soon began again to wish for the baked pone, but the meal was gone. The settlers used many ingenious ways of adapting new corn to the making of bread. Some "gritted" it. Others, including our family "jointed" it. That is, inverting a long carpenter's plane, called a jointer, over a tub, they would take the corn just out of the milk, and by passing it a few times over the plane which was set to cut a thin shaving, a nice quantity of "meal" could soon be made. Indeed, a boy with a "jinter" could make more meal in an hour than he could with a "gritter" in twice the time. "Jinted" meal made the best of mush. Baked, it made our old "woolly" cake, whose surface bristled with the shredded hulls and bits of cob. I sometimes think of it on looking at an inferior tasting product of my daughters' skill, which they call cocoanut cake. The "woolly" cake or pone made the sweetest if most scratchy diet of my boyhood days. When the corn got hard enough to shell and bother about "jinting," it was soaked to toughen and soften it, and still "jinted" and served for bread and mush.

If, then, the scattered settlements could raise grain enough the first season, the people could not subsist upon

it unless it were changed from its natural state. Corn only could be prepared by hand; wheat must be ground. So it is easily seen with what joy the settler welcomed not only the starting of the saws, but the starting of the buhrs.

The Claytons cut trees from the hillside and made a road from the trail to the mill. These trees they sawed, to make the frame and siding for the millshed. They had the mill enclosed by the winter of 1837, and by spring had a gear rigged to the main shaft, and a perpendicular shaft rising above the floor of the shed was fitted with a run of buhrs. These, like the most of the first ones started in the county, were of native material. That is, of the round "niggerheads" found in the neighborhood. Some, it is true, were cut from the limestone found along Chequest and other creeks, but gave out because too soft or fragile. They were all rough shaped, but were scarcely attached until they were pressed into service. Indeed, the first grain ground for our family in Iowa, was ground by Samuel Clayton feeding it into the buhrs with his hands, regulating the feed so as to get the best results, and stopping now and then to brush up the cracked particles. There was no bolt. You simply took your corn, shelled and carefully dried, awaited your turn and went home with as good meal as any made in this country. But if it were wheat, of which Father took some as soon as the mill started, it was to receive a product no housewife in the present state of Iowa would recognize, much less dare make into bread. It was merely cracked on the corn buhrs, not cleaned or bolted. From a cause I can not explain, it was almost as black as soot. I can only say that for a few years our spring wheat yielded well, flailed out fine, and when separated from the chaff looked like first class wheat. But frequent grains were filled with smut. With no way to distinguish a poor grain from a good one, and no way to separate it if we knew, and being surfeited on Indian corn, we simply cooked, ate and actually relished this black bread.



So much for our first mill, miller and milling. Like it were those of the settlers all over the county. The absence of all reference to these thirty creek mills in the records, speeches and writings of the pioneers, so far as I know, is the excuse for my attempt. I have been too long on the mechanical part to admit of relating more interesting features, as might well be done. For it must not be thought that the settlers' troubles stopped when the old mills started. Indeed, since each settler must await his turn with his grist, whether he were one mile or twenty from his home, whether in need or not, it was common for travelers passing cabins to be hailed with the question, "Is the mill a runnin'?" And quite often the response was, "Creek too high," "Creek too low," "Froze up," "Shaft broke" or other such discouraging news. From the structure described, it will be seen that a variation of three feet in the state of water would clog the wheel, or run it dry. But when the answer was "Yes," it was but the work of a few minutes for father to mount old Jule, take a bag of grain "aboard" and trot off down the trail toward Clayton's. There it was usual for many other settlers to be congregated and the mill to be "throng." This situation would be seized upon by the politician, news monger, claim-trader, horse trader, wrestler, jumper, fisherman or swimmer, and so on.\* I can not well close this sketch without relating a story current in the early day, at the expense of Woods' mill, on Fox, where Mt. Sterling now stands. I will say with positive assurance that many a settler's family has from hunger stood in the place of the dog in this story, and every one of the old mills is personified by Woods', in the tale.

Woods, Brothers, great hunters, were the proprietors of the mill. Whenever a settler with a bag of grain came in sight, a pack of hounds set up a chorus of bawling until one of the proprietors came out and kicked and cuffed them into

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\*Opportunities for congregating being few, the mill became the place, above all others, for public intercourse among the settlers.

silence, thus the place became known as "Dog town." "Old Toller," the choice of the pack, was the only one allowed to follow his master to the mill. And he received his name in the following way: When the settler alighted and threw his bag into the mill, Mr. Woods would go around, lift the gate and start the buhrs. Old Toller would gravely amble up in front of the meal box and seat himself on his bony haunches. With the first thin thread of meal trickling down, his face would lose its gloomy look, and when enough had fallen to warrant the effort, he would rise, run out his long red tongue and lap the box clean. As if it only served to whet his hunger to a point of agony, he would gravely resume his seat, raise his tear stained face toward the lazy buhr and let go the most pitiful "Boo-oo-oo," for more meal.

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THE YELLOW, Turkey, Volga, Maquoketa, Wabesipinicon, Cedar, Iowa, Des Moines, Boone, Skunk, Boyer, Maple and Little Sioux rivers traverse the State from the central and northern counties, flowing into the Mississippi and Missouri rivers at different points from the extreme north to the extreme south. Besides these rivers, a thousand streams meander the State, furnishing an unparalleled and never failing amount of water power. Innumerable springs also pour forth their limpid streams.—*Dubuque Herald*, March 28, 1860.

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THE MAN who first unfurled and flung to the breeze the Star Spangled Banner in Iowa, was an Irishman by the name of Nicholas Carrol, living in the vicinity of Dubuque. The flag was run up soon after twelve o'clock on the morning of the 4th of July, 1834.—*Dubuque Herald*, March 7, 1860.

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JOHN WEARE.

Distinguished pioneer settler of Cedar Rapids, Iowa. Early banker  
and railroad builder.

## PIONEER PERILS.

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### I.

#### AN ADVENTURE ON THE CEDAR RIVER AT CEDAR RAPIDS A HALF-CENTURY AGO.

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Valuable as are family histories to climbers of genealogical trees and to historians local and general, few contain very much of general interest. When, now and then, the searcher for Iowa material happens in upon a chapter, or even a paragraph, which at first hand relates some characteristic incident or event of other days, he instinctively thinks of *THE ANNALS* and of the appropriateness of its reappearance in that valuable medium of connection between the present and our recent past.

Among the many memorial volumes recently added to Iowa's Historical Department is a biographical sketch of the late John Weare, of Cedar Rapids, Iowa, prepared by his son-in-law, W. W. Walker, also deceased.\*

Away back in the forties the prime-movers in all efforts for the development of the Cedar Valley, and eastern Iowa generally, were two brothers-in-law, Alexander Ely and John Weare, both young men possessed of some means and unbounded ambition, will-power and industry.

Among the several enterprises undertaken by these pioneers was the utilization of the splendid water-power at "the Rapids." The hard work entailed by this enterprise fell mainly upon Mr. Weare, the younger of the two, and bravely did he set himself to the difficult task. His ingenuity and strength were taxed to the utmost, as we shall see. With six yoke of oxen he drew the logs from the woods, and with a small force of men and insufficient machinery he helped lift every timber into its place in the dam. For whole days he would remain in the water, waist-deep, not stopping long enough to partake of the noon lunch. The nerve of the man is well illustrated by an incident which occurred just as the dam was nearing completion. At this point I turn over the narrative to Mr. Weare himself as he related it to his son-in-law shortly before his death, leaving out only such details as are unnecessary to the run of the story. In passing, let me say that while Mr. Weare, like many another pioneer of Iowa, was not especially fluent with his pen, he was an admirable raconteur, and his biographer did well to draw from his own lips, as far as he was able, the story of his eventful and resultful career. The narrative, somewhat condensed, runs thus:

J. B.

We deemed it wise to leave what remained of the old dam, and use it as a protection to the new material as we put it in place below the old structure. This proved a good scheme, in part, but it almost wrecked the whole concern.

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\*In Memoriam—John Weare, by William Williams Walker, 1897.

The new dam was nearly finished; a millwright had been brought from the East, to set the machinery in the grist mill. We were about ready to drag out the old dam, when the rains began, sending such a flood of water against the old dam, that the new work was in great danger of being destroyed, the timbers of the old dam being driven against them, battering out the foundations. The entire community was deeply interested in the safety of the mills; many of them had spent a season's hard work and all their money in the enterprise; consequently the men, and even the women, did all they could do to save the dam. They collected all the material that could be used and worked in the pouring rain for days and late into the nights.

One morning it was apparent that the dam must go, unless something could stop this battering ram, made by the old timbers. The water was so high and swift we could not get near them to drag them out, even if we could loosen the ends that were held down by the remains of the old dam. We decided to build a crib of heavy logs, float it out into the river above, where the most savage battering was going on, and sink it by filling it with stone. Thus we hoped to make a breakwater, or protection above the old and the new dam. We divided our men into two parties, one to stay on the bank and secure timber or anything that could be made available to strengthen the crib, for often, during high water, whole trees and heavy timbers came floating down the river. I went with the larger party to the woods, to get logs with which to form the crib. Before we separated, we entered into an agreement that, come what would, no man should venture upon the threatened dam while the river was so high. If the dam must go, there should be no loss of life.


About 4 o'clock in the afternoon, our party returned with the logs. Before we came in sight of the river, we knew some calamity had happened, for we heard the shouts of men and the shrieks of women. Of course we thought the dam was gone. We were met by a half-witted boy, who

breathlessly exclaimed, "John, I tell 'em I can shoot 'em a chain, but they won't let me." I hurried on to the river ahead of the oxen. A part of the dam was gone, and a party of men were tossing on what seemed loose timbers, in the center of the river, surrounded by a whirlpool filled by loose logs pounding and dashing so violently that no means of escape seemed possible.

A part of the men led by Mr. Ely and the millwright had thought they could dislodge a timber that was doing destructive work. They left the bank in two boats and were drawn into the whirlpool formed by the current and the loosened timbers. The boats were overturned and broken to pieces; the timbers taken out with them were caught in the current and were an added danger to the dam and their lives. They had succeeded in climbing upon the remaining part of the dam, but here there was no safety. Any moment the rest of the dam might be swept away. If they escaped drowning they could hardly escape being pounded to death by the timber. The few men left on the banks had tried their utmost to rescue the party, but had met with failure. They crowded about us and pleaded with us to save their friends. We did not need their appeal. I could see we had material, in the logs just brought from the woods, to make a raft that would safely bring the men out; but how could we get it to them and get it away without its being drawn into the whirlpool? The men were so near it that any boat or raft must have a power pulling back of it to keep it from going into the pool.

During our perplexed questioning, the poor foolish boy kept dancing before me, exclaiming, "I can shoot a chain to 'em; let me shoot!"

I urged the men to make the logs into a strong raft. The night was coming on; the rain continued; the strength of the men on the dam could not hold out, even if the dam did. The boy's importunate demand brought to my mind something I had read, or heard, about establishing communi-



The Cedar river as it now is at "The Rapids" gives no impression of the stream as it was then. It was fully two miles wide. No one could estimate the depth of it. It was full of drift-wood which was dashing and plunging like so many demons. The heavy raft was in great danger, but it seemed a miracle that our little boats lived at all. All excepting the flatboats were capsized at least once, and some of them many times. We moved up the east bank of the river that we might escape the influence of the whirlpool. We crossed in safety. We then drifted down on the west side until we felt the pull of the whirlpool. Here we were dependent upon the boy and his arrows to reach the men on the dam with a line attached to the raft which they could draw to themselves and thus obtain control of the raft; otherwise there was not power enough in the oarsmen in the boat to keep it out of the whirlpool. The first shot fell short, but it was not entirely lost, as it attracted the attention of the men and gave them an idea of our plans. The second arrow reached the dam and lodged in one of the timbers. The thread was secured by the millwright and drawn over, then the string attached to it, then the rope fastened to the string and, finally, the chain which they were to make fast to some firm timber of the dam. This was finally accomplished with great effort for the party were very weak, and the water was swift and strong.

The next difficult task was to loosen the raft from the boats and yet leave it fastened to the flatboats by ropes long enough to let it drift to the men and strong enough to tow the raft out of the current. Rude as our appliance was, I had confidence that if our men would but pull together, we would succeed; but I confess to fear as I left the boat and set out on the raft. The party on the dam were almost exhausted. They never could have boarded the raft alone, much less keep it from getting into the current. The raft was not large enough to bring back the party if laden with more than two men. A courageous young man accompanied




me. As we left the boats our charge to the men was, "Hang to the ropes and pull when we wave our caps."

We seemed to shoot down to the dam, and came against the timbers with a crash; but thus far, we were safe. The chain was drawn in and it held us from the current. All the men got on the raft. Never were caps waved more gladly. We were supplied with poles, and we worked to the utmost of our strength to start up stream, but could not move her.

Someone said, "The chain from the dam has not been taken in." This was true; we were chained to the dam. We were too far from it to reach the fastened end of the chain, and we could not make our men in the boat understand that all their heroic efforts in rowing only strained the chain tighter, and kept us from returning to the dam to loosen it. If we, on the raft, stopped poling a moment, we would swing into the current and drag them with us, and all would be lost together. The millwright, with a small pocket knife, cut the large rope cable which attached the chain to the raft. This had to be done, lying face downward, with the head and shoulders under water. We then came up to the boats, and the raft was attached. We returned to the east side of the river, by the same route we went over, happy in the rescue of our relatives and townsmen, who had been in peril from ten in the morning until dark—so dark we could not have seen the faces of our delighted friends on the shore had they not burned torches.

There was hardly a wink of sleep in our little village that night, because of the general rejoicing over the rescue. Here and there, some person, more thoughtful than the majority, gave a passing thought to the dam, and expressed the hope that it would not go out; but the strain of anxiety was passed. In face of the great danger escaped, the possibility seemed of little consequence.

When morning came, we again gathered to make the crib, and sink it above the old dam, as had before been



planned. This was successfully accomplished, and was the means of saving the new dam; but it has ever since been my opinion, that the new dam was saved by one self-sacrificing woman. After we had secured the crib, we found the stone we had wouldn't more than half sink it. There was no heavier stone to be had for some distance. This woman came forward and said, "Take the stone we have ready for our new home. The last load is on the ground—and paid for."

She ended her speech in tears. She had worked hard to earn the money for the material, and giving it up meant another cold winter and no home provided for her or her family. We used the stone; but, be it told, to the credit of Cedar Rapids' first settlers, that stone was replaced, and a snug little home was put up for this generous woman before the snow flew that fall.

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LINNIE HAGUEWOOD, the blind, deaf and dumb girl, in whose interest a meeting was held in the Webster City Universalist Church a number of years ago, is now at Pasadena, California. She has completed her education and is now able to make her own living. The entire State of Iowa has been interested in this unfortunate girl, and the legislature made several appropriations to aid her education. Born without eye sight and devoid of hearing, her future was indeed gloomy. While Linnie was in Iowa she was cared for at the college of the blind, but her school education was completed at the institution at Gary, South Dakota. Miss Dora Donald, her teacher, was constantly with her, both in this State and in South Dakota. Miss Haguewood is now engaged in stereotyping books for the use of the blind.—*Webster City Freeman-Tribune, May 3, 1904.*

THE LIFE OF JOHN H. HARRIS OF  
MASSACHUSETTS

BY JOHN H. HARRIS

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During the morning the roar of cannon came to us from towards Corinth with an ominous sound, and at 10 a. m. an orderly dashed into camp with orders for Col. Hatch to fly with all possible haste and report to Gen. Paine at Farmington. The bugle sounded. "Boots and saddles!" "To horse!" "Forward!" and in five minutes after the receipt of orders we were galloping to the front.

As we reached the open field after crossing the swamp, we saw Gen. Paine's command stubbornly falling back from the hill, and the Rebel artillery dashing into position on the heights of Farmington, with twenty-four guns, from which position they could sweep the retreating lines with a murderous fire of grape and canister, shot and shell, as well as command the single road crossing the swamp and stream, and thus render the capture or annihilation of Paine's command almost certain. The regiment had been halted under cover of a small hill some twelve hundred yards from the Rebel batteries; between us was a plowed field across which ran a washout from two to eight feet wide, and of about the same depth.

The batteries must be silenced or all was lost: a sacrifice must be made to save the day; and the pale but resolute faces of the cavalry boys gave evidence that they realized the situation, and were ready to do their duty.

At this moment Gen. Paine dashed up to Col. Hatch, and in tones loud enough for the regiment to hear, gave the order to charge, take and hold the batteries. "Attention!" "Draw saber!" "Forward by battalion in echelon!" rang out the orders from Col. Hatch. Bugler Williamson sounded, "Forward!" "Trot!" "March!" and when clear of the infantry, the piercing notes of the "charge" rang out clear and shrill. Sabers flashed in the sunlight, spurs were driven cruelly into the flanks of maddened steeds, and leaning forward in their saddles with a wild, defiant yell the charge was on; over or into the ditch, up the hill, up to the guns, gunners cut down or driven back; but a supporting line

fully fifteen thousand strong checked the mad charge and drove us back.

Though repulsed and driven back, victory rested upon our colors, for all and more than could be hoped for had been achieved. The guns were trained upon the charging columns, and Paine thus permitted to hastily, but in an orderly manner, conduct his retreat in safety; and ere the Rebel gunners had effectively remanned their guns, the gallant second had, though torn and bleeding, recrossed the swamp.

The charge lasted not over five minutes, but we lost fifty men, killed and wounded, and over one hundred horses left upon the field. The wounded were nearly all picked up by the retiring line and carried back to the hospital by their devoted and courageous comrades.

This small loss can only be accounted for by the great clouds of dust, raised by the horses as we crossed the field, the wild shouts of the charging column taken up by Paine's command, and answered by the command across the swamp; all this with the very audacity of the charge probably deceived the Rebels as to our numbers. At first their gunners fired too high, and then too low.

After the charge Col. Elliott took Gen. Paine to task for giving such an emphatic order. Gen. Paine excused himself by saying, "I did not think they would go so far," to which the gallant Colonel responded, "That is my regiment and they will charge Hell if ordered, but I did not expect to have them ordered there."

In my opinion Gen. Paine did the right thing, as it was better to sacrifice a regiment than to lose his division.

## A PIONEER SETTLEMENT IN MADISON COUNTY.

BY W. S. WILKINSON.

Early in the spring of 1847 my oldest brother, Alfred, came from Davis county, Iowa, with one horse to Ft. Des Moines, and rented twenty acres of ground of Mr. Lamb, about where the starch factory now stands. He planted it in corn, agreeing to give one-half for rent.

About the first of June my father with the rest of the family followed, but being stopped by high water we remained in Marion county for some time, not reaching the neighborhood of the Forks, as the union of the Raccoon and Des Moines rivers was then usually called, until towards fall. We lived that fall and winter on Four Mile creek about six miles northeast of the Forks. During the winter reports came to us that the country up here was a fine place with good soil, nice rolling prairies, plenty of stone, an abundance of fine flowing springs, plenty of good timber along the streams, and that the principal undergrowth was rattlesnakes. On our arrival we found plenty of the "undergrowth."

Early in the spring of 1848 my father and brother, Thomas, came to Madison county to locate a claim, and built a cabin within a few steps of a spring just one and one-half miles north of the center of Scott township. They covered the cabin in the usual way with clapboards and weight poles, but running short of boards they covered a small patch with elm bark. One-half of the floor was laid with puncheon split from linn logs and smoothed with a broad-axe; the other half was laid with bark placed flat on the ground. A stick and mud chimney was built with a stone wall and jambs for a fireplace.

My father and brother then returned and removed the family from Polk county as soon as the stock could live on the grass. We started about the 20th of April, 1848, with

our cows, sheep, pigs, chickens, a pair of geese and our household goods. We arrived at our new home just after dark on Friday April 23, 1855. The next day we unloaded our wagon and fixed things for housekeeping, while our stock grazed in the grass. The next day being Sunday we rested and viewed the landscape over. On Monday morning we went to work clearing a piece of timber land to plant in corn, our horse team not being able to turn the prairie sod. We put in eight or ten acres of corn, and later planted a good patch of potatoes, cabbage and other vegetables. Truck grew nicely so that in the fall we had a fine supply of vegetables. Our corn when cut up made a fine lot of feed, but the grain was not well matured on account of being planted so late.

After the crops were tended the settlers began to pay some attention to schooling for their children. They built a log cabin for a schoolhouse just east of the Buffalo mills in what is now Ed Wright's field, and hired James Thornburgh to teach a term of school. He commenced sometime in August and taught six weeks. The fall work coming on he closed the school until winter, but the snow was so deep that winter that the children could not go, so he never finished the term. That was the first school taught in the county. The pupils attending that term, as well as I can remember were: Absalom, Daniel, Thomas, Aaron, Ann and Emeline McKinnis, Louisa, Rebecca and Joseph Thornburgh, James and Ann Crawford, Will and Jack Hart, Henry Evans, Will Butler, Miles Casebier, Thomas, Margaret, David and W. S. Wilkinson. I think there were two or three others but I can not recall their names. Of the above only two are living in this county, Henry Evans and myself. Two are living in Kansas, one in Washington, two in Oregon, and one in Rock Island, Ill. A year or so later some school districts were marked off, and the Roger school house in Scott township was built. Mrs. Danforth, mother of Chal and William Danforth, taught the first school there.

That fall my father and some of the neighbors went on a bee hunt up the Coon river. They found and cut eighty bee trees, and brought home a fine lot of honey. After straining it they hauled it to St. Joseph, Missouri, and traded it for their winter supply of groceries. Had they not secured their provisions in that way I do not know how they would have got them. They returned on the 2d of December, 1848, and the next morning the snow was about four inches deep. It continued to snow till it became a big snow—the deepest I ever saw. It must have been at least three feet on the level, some said it was more. The settlers could not keep the roads broken through that snow, not even to the mill. They kept tracks broken from house to house so they could go on horseback, and their milling was done in that way.

During the summer of 1848 Hart & Hinkley built a little grist mill on the site where the Buffalo mill afterwards stood. They started sometime in the fall. It was a small affair, but it answered the settlers' purpose well that winter of the deep snow. I do not know how they could have got along without the mill. They could grind nothing but corn, in fact there was nothing else to grind that winter. The next season I think they had some buckwheat and possibly a very little wheat to grind. The millers got some kind of a screen to sift their buckwheat. They called it a "sarse." I do not know what it was like, probably the real name was sarcenet, a hand-bolt made of sarcenet silk. Of course, we did not get good flour, but it was a change from corn bread.

I think the first Sunday school in the county was organized the summer of 1848 at the house of Levi Bishop in Scott township. Sam Fleener was superintendent and Mrs. Bishop teacher. They did not confine their instruction to the scriptures alone, but taught the little folks their letters, spelling and reading. The books used were the spelling book and testament.

The first bridge in this county was built in the fall and



winter of 1854-55 across Middle river, where the Indianola and Winterset road crossed that stream in Scott township, now known as the Holliwell bridge. Madison county paid John McCartney \$500 for building it. The bridge was a forty-foot span with a framed approach at each end. It was a frame bridge with double bents at each end of the span twenty-two feet high. The timbers of this bridge were hewn sixteen inches square. The stringers of the main span were forty-four feet long to lap at the ends on the bents. The framed approaches at each end were twenty feet long. The bridge was finished early in the spring of 1855.

The prairie in this county was like most of the prairies of the State, they were beautiful of course, but were thickly covered with the bones and horns of the buffalo, elk, deer and other animals that had been slain for their flesh and pelts. In early spring you could not go many rods in any direction on Hoosier prairie without coming onto the whitened bones of some of these animals. When the prairies were covered with fresh green grass they were beautiful, but the time of their greatest beauty was perhaps in the month of June, when the lily, the sweet-william, and the prairie-rose were in full bloom; around the edges of the timber the lady-slipper and wild tiger-lily grew, but they are all gone. Nor were the woods without their enchantment—those beautiful sugar-maples, those splendid black walnuts, those noble cottonwoods, that used to line our streams, but they are gone—gone never to return. Now I am an old man, my eye-sight is growing dim, I would like once more to see the green prairies with their beautiful flowers, the trees standing, the springs flowing as they did in the days of my youth.

In an early day the work was done in a primitive way. The cooking was done by the fireplace, as they had no stoves. The bread was baked in the skillet which was first heated, the lid which covered it was also heated, then the skillet was placed upon the coals on the hearth, the dough

put in and the hot lid placed over it; coals were also put on the lid to keep up the heat. This skillet was shallow and used for baking biscuits, etc. The Dutch oven was used for baking light bread, pies, and pones. The oven was several inches deeper than the skillet but used in the same way with the lid as the skillet. The coffee was boiled in a pot over the coals drawn out on the hearth. The pots were boiled over the fire. Many fireplaces had a crane placed in the jamb to hang the pots on, and made adjustable to suit circumstances. Some used the Johnny-cake board upon which the most delicious corn bread was made. Meat was sometimes hung before the fire and roasted, which was considered very good.

The clothing was made in the home. The old settlers had their flock of sheep from which to obtain the wool for their winter clothing. The wool was washed and picked to clean out all burrs, then carded by hand and spun into yarn, and woven into jeans, linseys and flannels. The summer wear was made from flax. The flax was sown early in the spring, and when ripe it was pulled, bound in bundles, and shocked to dry. The seed was whipped off and then put in water to rot the stem so it would separate from the lint, then spread out to dry. Afterwards it was broken on a flax brake and swingled with a wooden swingling knife, the flax being held over the top of a swingling board with one hand and the knife wielded with the other. Then it was drawn through the hackle to take out the shives and tow. The best of the tow was used to make coarse garments of which I shall speak later. After the material was prepared it was spun into yarn on hand spinning-wheels and dyed, if necessary, then taken to the family loom.

The loom was made the same as the carpet looms that we sometimes see at the present time, but with different reeds, heddles and shuttles. In fact the gearing was arranged for each kind of cloth to be made. After the threads were spun they were run into hanks on winding blades and

then onto large spools and from that onto the warping bars into warps. The warp was then run onto the large beam of the loom. One end of the warp was then drawn through the heddles and on through the reeds in the batten to the front of the loom, then tied on a bar and then brought over the breast beam down to cloth beam. The filling was run on quills and placed in the shuttle which was passed through the warp. This was then divided by the heddles by tramping of the treadles, and this filling was beaten up with the batten which held the reed or stay, as it was also called. The best of the tow was often used to make coarse garments for the little boys. There was the tow pants and the tow shirt. The long shirt was quite a novelty; being worn without pants, it made it cool in warm weather.

The farming tools of an early day were very simple. The first plow I used was a wooden mould board plow with a metal lay and bar welded together at the point. The diamond plow came into use about that time, but we used the wooden mould board several years. Our harrows, hand rakes and pitchforks were made of wood.

The old settlers worked hard and lived plainly and were usually healthy. If a man got sick he got well again. That was before the doctors came. Now sometimes a man gets well in spite of two or three doctors.

The early settlers made their ropes out of flax or hemp. Hemp is probably the best for ropes, but both were used. After the twine was spun it was stretched in a home-made rope-walk and twisted into a rope. This home-made rope-walk was made on the same principle as the factories we have today. They ran the twist into the rope just the same as the ropes we get today. A man can make a rope-walk in half a day.

Early settlements were made along Clanton creek—Rhynos and Johnstons among them, who went to raising cattle, and became quite successful, but they could raise cattle faster than they could subdue the prairie sod, and

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raise grain. During some of those hard winters in an early day they sometimes lost pretty heavily in cattle. When an animal died its hide was taken off to help along the hide trade. They frequently joked one another about their misfortunes. One hard winter about '55 or '56 when they were losing heavily, a story was told on Jeff Rhyno that he discharged a man because he could not skin the cattle as fast as they died.

As to amusements there was not so great a variety as at the present day, but they were engaged in with as much interest as today. During the fall and winter the young people would get together evenings, first at one house and then at another to discuss such questions as had been previously arranged. There were usually some of the older men present to act as judges and give encouragement while the young folks engaged in the discussions. At other times they would have a spelling match. There was always perfect order at these meetings. Later, towards spring, there would come the rail-splitting and log-rollings. At these the young folks usually had a party at night. Later came the corn planting which was all done by hand. When one man had a piece of ground ready to plant, his neighbors would turn in and help him plant it. After that came the flax pullings and harvest, and later on the corn cutting. The old settlers were very sociable, and those meetings were prized for the good feeling and fellowship they created. There were the house-raisings at all times of the year, and they were as much of a picnic as anything. Men used often to go ten miles to a raising.

How courting was done in an early day might come under this head. According to one writer the process has not materially changed for several hundred years, but the conveniences have changed. In those days they had no parlors or drawing rooms to sit in, since the whole house was in one room, a log cabin 16 or 18 feet square. In one end was a large fireplace that would take in a stick four or five

## TRANSPLANTING IOWA'S LAWS TO OREGON.

BY F. I. HERBIOTT, PH. D.

Our trite saying that "America is but another name for Opportunity" might well be changed to "America is but another name for Experiment." It is no exaggeration to say that the people of the United States have done more experimenting in the making of laws and in the administration of government than the people of any other nation on the globe. This has resulted chiefly from the nature of our multiform government that is at once federal and national, as regards the relations of states to each other and to the national government. Within our national jurisdiction there are practically half a hundred sovereign states each and all engaged in practicing the methods and arts of self government. There is but little let or hindrance to experimentation in the making of laws and institutions.

But while there is the greatest range of freedom for originality there is a surprising similarity in the fundamental principles of our laws and in the primary institutions of the states. English common law and traditions are our common heritage and constitute the ground work of our institutions. But what may be called the acquisitive or adaptive disposition of Americans leads to the prompt observation of the workings of laws in other states and to their adoption where they work well. Moreover, by reason of our peculiar mode of creating territories out of the national domain it has generally happened that the laws of parent or adjacent territorial organizations have been continued or "extended" over the new territorial acquisitions; or they have been imposed *ad interim* until the inhabitants could assemble their law-makers and enact a body of laws. But from the nature of the conditions confronting pioneers they were almost certain to adopt bodily the laws of their ancestral states. The social traditions and political inheritance

of the first inhabitants, or rather of the dominant elements determined whether the laws of this or that state were adopted.

We have some interesting examples of such transplanting of laws in the establishment of the territories of Iowa and Oregon. When Iowa was given a separate territorial existence in 1838 the laws of Wisconsin were "extended" over the new territory. The bulk of the laws adopted, however, were those taken over from Michigan when Wisconsin was cut off from that jurisdiction in 1834; and the major portion of those were the growths from the ordinances made for the government of the old Northwest territory pursuant to the great ordinance of 1787. But the members of the first territorial legislature of Iowa knew little and cared less about the genealogy of the laws they enacted in 1838-39. They were but little learned in laws or in law making. They had no new and radical notions to promote. The late Theodore S. Parvin, who was the first secretary of the council or senate in 1838-39, has told us how little the members knew of the real needs of the people, how ignorant they were of law making, how they selected here and there from the statutes of various states as fancy or state pride prompted them; how each member felt in duty bound to get as large a number of the laws of his own state enacted by the new territory.\* The matter that was important and urgent was to inaugurate the new government and it did not signify much to them one way or other what laws were adopted so that they gave the people the form and substance of laws that would satisfy the traditional notions. Professor Jesse Macy has shown us† how remote often the laws actually adopted were from corresponding to or regulating the actual life and conduct of the daily affairs of the people in the first years of the territories.

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\*See Professor Macy's *Institutional Beginnings in a Western State*. ANNALS OF IOWA, 3d Series, vol. V, p. 337.

†Ibid.

We have in Oregon, however, a striking instance of the conscious and deliberate adoption bodily of the laws of another state. The event was of more than academic interest to us in Iowa as the laws adopted by the pioneers in Oregon were the statutes enacted by our first territorial legislature in 1838-39.

The settlement of Oregon constitutes one of the romantic chapters in our pioneer history and not the least noteworthy in the annals of the diplomacy of our national government. Long continued efforts were made to arouse effective interest in that region; but with meagre results. From 1820 on to 1829, John Floyd of Virginia and Thomas H. Benton of Missouri had striven earnestly in Congress to induce the national government to take vigorous steps to establish our authority in that region and to give the pioneers the protection of laws and institutions established in accordance with our forms and processes. But they failed. In 1838 however another champion arose in the person of Lewis F. Linn, another senator from Missouri. He, like his colleague Benton, sought to arouse public interest in the vast territory in the far northwest and between 1839 and 1843, the year of his death, introduced various bills and resolutions relating to Oregon, one of which in particular is of interest to Iowans.

Meantime events were rapidly conspiring in Oregon to bring matters to a crisis. The settlers were more or less divided in their allegiance. There were the active friends and adherents of the Hudson Bay company. The Americans were greatly disturbed by local dissensions, personal jealousies, contentions with the Indians and religious rivalries. All these things thwarted united, consistent and continuous efforts to bring about the establishment of our national authority. In 1841 the need of civil organization was made apparent on the death of a noted settler, Edwin Young, near the Methodist Mission station in the Willamette Valley. He died without heirs and how to distribute his property so as to give valid title brought home to the settlers the fact

that they were in a land without laws and government. Steps were taken to bring about the establishment of some form of government. As a consequence of their proceedings one Dr. Ira L. Babcock was appointed supreme judge with probate powers and it was resolved that "until a code of laws be adopted by this community Doctor Babcock be instructed to act according to the laws of the state of New York."\* Various efforts were made between 1841, after that resolution was taken, and 1843, to get under headway with the new government but they availed little until May 2, 1843. On that date a meeting took place at Champooick (also given Champoeg), between Salem and Oregon city, where amidst tense feeling and by a close vote it was decided to establish a "Provisional Government" and a committee of nine were designated to draft a plan and to report to the people on the fifth of July following. Speaking of that committee and its work, Mr. J. R. Robinson of Oregon, writing in 1900, observes.

"This committee is of great importance in the history of civil government in Oregon, because of the responsibility which rested upon it and because of the excellence of its work. Its members were neither learned nor acquainted with the law but they possessed good judgment and common sense. Their meeting place was an old barn belonging to the methodist mission."†

The report of the committee is interesting and instructive. It exhibits the political thought and habits and wishes of the pioneers uninfluenced by the immediate surroundings of civilization and the formal procedure and political ceremony so important in the operations of political institutions. We have there a practical illustration of the creation of a civil society somewhat after the fashion dreamed of by Rousseau; and what is more we perceive some of the notions

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\*See Quarterly of the Oregon Historical Society, vol. II, p. 101. Article by H. W. Scott on "The Provisional Government."

†Quarterly of the Oregon Historical Society, vol. I, p. 35.



expounded by the French philosopher. The document presented sets forth exalted principles of civil liberty and righteousness.

We, the people of Oregon territory, for purposes of mutual protection, and to secure peace and prosperity among ourselves, agree to adopt the following laws and regulations until such time as the United States of America extend their jurisdiction over us.

*Be it therefore enacted by the free citizens of Oregon Territory. . . .*

For the purpose of fixing the principles of civil and religious liberty, as the basis of all laws and constitutions of government that may hereafter be adopted.

Be it enacted that the following articles be considered as the articles of a compact, among free citizens of this territory.\*

There then follow a series of articles specifying the fundamental rights and privileges that should never be denied to the inhabitants of the territory, and setting forth in considerable detail the nature, powers and methods of administration of a number of offices of the new government. Article 12 of section 2 of the proposed Articles reads as follows:

The laws of Iowa territory shall be the laws of this territory, in civil, military and criminal cases; where not otherwise provided for, and where no statute of Iowa applies, the principles of common law and equity shall govern.

After this comprehensive section the committee with superfluous caution proceeds to particularize a number of the statutes of Iowa that shall be the law under the new government, e. g., those relative to weights and measures, to wills and testaments, vagrants, elections, etc. Then again in Article 19 the following resolution is inserted.

*Resolved*, That the following portions of the laws of Iowa, as laid down in the statute laws of the territory of Iowa enacted at the first session of the legislative assembly of said territory held at Burlington, A. D., 1838-9, published by authority, Du Buque, Bussel, and Reeves, printers, 1839. Certified to be a correct copy by Wm. B. Conway, secretary of Iowa territory, be adopted as the laws of this territory. Viz:

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\*The extracts from the "Report" of the Legislative Committee given above are taken from a typewritten copy given the Historical Department of Iowa by Professor Edmond S. Meany, Head of the Department of History in the University of Oregon.

There are listed by title with reference to the pages whereon found in the collection referred to in the resolution some thirty-seven laws including those already mentioned in Articles 13, 14 and 15.\*

This draft of a constitution or articles of government was adopted at the meeting at Champooick, July 5, 1843. The subsequent history of the Provisional Government that continued until the erection of the territorial government in 1848 it is not necessary here to follow. The instrument underwent some changes but none that vitally changed the character of the original "compact."† Under it their Government, said one of their chroniclers, was " 'strong without an army or navy, and rich without a treasury', and 'so effective that property was safe, schools established and supported, contracts enforced, debts collected and the majesty of the law vindicated.' "‡

The question presents itself, why did the pioneers of Oregon select the laws of Iowa for the regulation of their private and governmental affairs? Why choose the laws of Iowa rather than those of Illinois, Michigan, Ohio, Pennsylvania, New York or Massachusetts? Why after the resolution directing the use of the laws of New York, did the committee set them aside and select the laws of the new territory on this side the Mississippi? Did the members of that committee that met in the barn of the Methodist Mission have before them the statutes of those several states and after due examination and deliberation decide that the

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\*The officers of the Provisional Government did not have a very staunch faith in the efficacy of the Article 12 of Section 2 given as we find the "Executive Committee" in their report to the Legislature urging that "the militia law of Iowa" and "that the laws of Iowa be taken into consideration concerning blacks and mulattoes." See their message of June 18, 1844, given in Bancroft's History of Oregon. Vol. I, pp. 429-430.

†In 1845 the legislature refused to call their articles of government a "constitution" but referred to it in submitting a revision to the people for approval as a "compact."

‡Quoted by Robinson. Ibid, p. 39. In the "Organic Law" drafted in June, 1845, and adopted by the people at an election July 26, all specific reference to Iowa's laws was omitted. See "Organic and other general laws of Oregon," 1843-1872, pp. 46-51.

laws of Iowa were most fit for their circumstances? What suggested and what induced the adoption of the committee's report that the laws of Iowa should be adopted? In 1843 Iowa was but little more than a name to the people of the east, let alone to the pioneers of that remote Northwest. It could hardly be that many of Iowa's first settlers had left our eastern counties and journeyed across the Missouri and over the mountains, or around by Darien and up the coast and found lodgment in the valleys of the Columbia.\* Bancroft asserts that the early settlers in Oregon were not familiar with the laws of Iowa which they had adopted.† What then led to their adoption?

It is not unlikely that some of the committee that drew up the original draft for the articles providing for the Provisional Government possessed or happened to get possession of a copy of the Iowa laws enacted in 1838-39, and thus it was mere chance and the urgency of circumstances that pressed the settlers on to the speedy establishment of some form of Government that brought about the transplanting of Iowa's first laws to Oregon. It is to be recalled that the territorial printer at Burlington was delayed for months in publishing our first laws because he could not get a copy of the statutes.‡ So that it is not at all improbable the pioneer law-makers of Oregon had only the choice of the Iowa statutes or nothing.

Another explanation may be ventured however that is worthy of consideration. As previously stated Senator Lewis F. Linn of Missouri was an ardent champion of the establishment of our national authority in the disputed

\*There is evidence that Iowans were very much interested in Oregon and in the emigration to the Columbia. In April, 1843, was organized at Bloomington, Iowa (now Muscatine) the "Oregon Emigration Company." David Hendershott (a member of the third legislature of Iowa that met at Burlington in 1841) presided at the meeting April 1. On April 19, a mass meeting was held at Bloomington, in which Geo. M. Hinkley of Louisa county was in the chair and it was decided to favor the organization of a company to start for Oregon May 10. See extracts taken from *Iowa Territorial Gazette* and other papers given in the *Oregon Historical Quarterly*. Vol. 2, pp. 191-192, pp. 390-392 and Vol. 4, pp. 177-178 and pp. 403-404.

†See H. H. Bancroft's *History of Oregon*. Vol. I, p. 428.

‡*ANNALS*, Vol. V, 3d Series, p. 358. Note of the writer in "Chapters in Iowa's Financial History."

## RECOLLECTIONS OF EARLY IOWA.

BY THE LATE JAMES HILTON.

The writer came to Iowa in the fall of 1841, and during that winter made a pedestrian tour of the counties of Lee, Des Moines, Henry, Jefferson and Van Buren. By far the greater part of the settlers in that part of Iowa were from Virginia, Kentucky and Indiana, and were remarkable for their intelligence, industry and self-dependence. But they could hardly have been otherwise when the conditions of emigration at that time were considered. There were then no railroads west of the Alleghany mountains. The only means of transport being wagon and team, and as a consequence, it was only the intelligent, determined and self-reliant, who would load their belongings into a wagon, and with a yoke of oxen or pair of horses, start out to find a home in a new country, on the extreme frontier of civilization, five hundred or a thousand miles away.

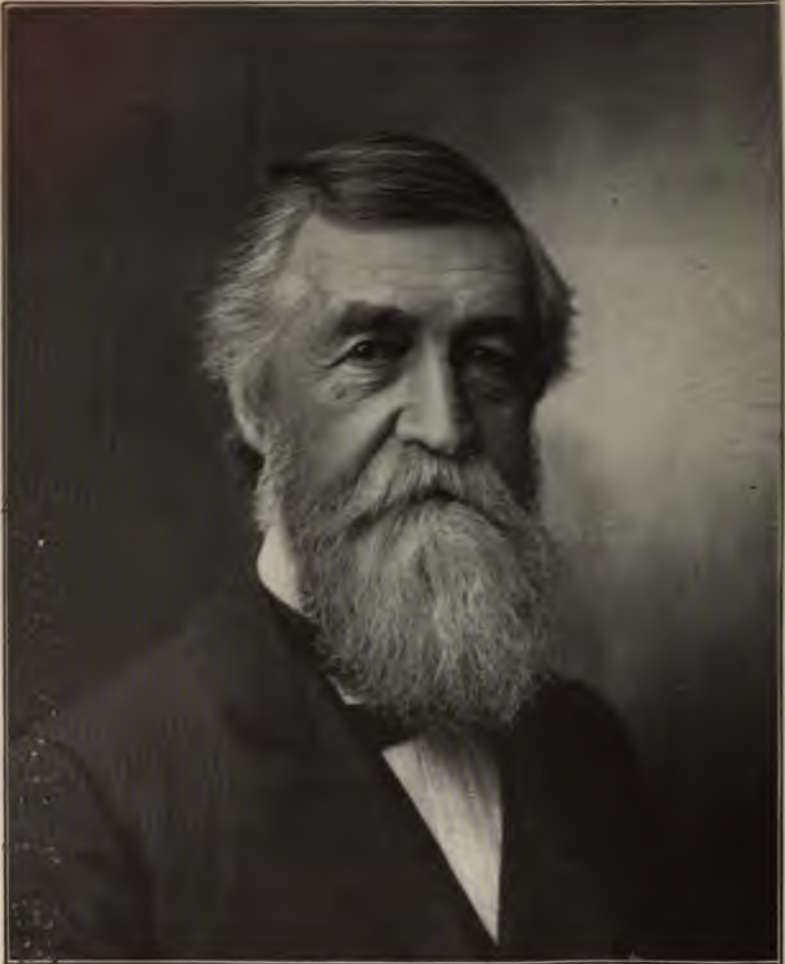
There were at the time mentioned, already located in the counties named, nearly all the men who have made a lasting impress on Iowa's history. In proof of this may be named Charles Mason, James W. Grimes, A. C. Dodge, J. C. Hall, George G. Wright, Dr. Elbert, James B. Howell and J. C. Knapp. These men were then but fairly representative of the early settlers, but as time rolled by, they became more distinctly prominent, by the passing away of their fellow pioneers.

The "Blackhawk Purchase" was a strip some fifty miles wide, bordering on the Mississippi river—all west of that to the Missouri river, known as the "New Purchase"—acquired by the treaty of September, 1842. That treaty was held at the Indian Agency, where Agency City, in Wapello county now is, and a great number of the people of eastern Iowa and northern Missouri were in attendance. There were also assembled there all the chiefs and braves of the Sac and Fox tribe; the Sacs were nearly all six feet in height, and as straight and erect as telegraph poles. They were all dressed in new blankets, and new and finely embroidered leggins and moccasins. Many of them had fancy head dresses, and some had necklaces of grizzly bears' claws, or other emblems of their prowess. As those "Braves" in knots of three or four would pass through the throng of whites there gathered, they seemed the very embodiment of courage, dignity and grace. Probably never again will be witnessed such an exhibition of the magnificent manhood of the Indian race.

The territorial days in Iowa were as uneventful as any period in its history. The people were all content and happy and complaint of want or "hard times" was never heard. The tales that have been told of the privations and hardships endured by the early settlers, are nearly all pure fiction, and for many of those stories the old fellows themselves are probably responsible, as not a few of them have been disposed to magnify the trials they endured and the dangers they passed, when encouraged to do so, by the wonder and admiration of their listeners.

2023

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BENJAMIN F. GUE.  
1828-1904.

Pioneer settler, Scott county, Iowa, 1852; Legislator, 1858-64; Lieutenant-Governor, 1866; U. S. Pension Agent, (Iowa and Nebraska), 1872-80; Journalist and Historian in later life.

# ANNALS OF IOWA.

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## EDITORIAL DEPARTMENT.

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### DEATH OF BENJAMIN F. GUE.

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This sad event came as a sudden shock to the circle of his immediate friends in this city and elsewhere throughout the State, and elicited expressions of profound regret wherever he was known. He called upon the writer of these lines on a business errand, on the 1st of June last, just before noon. He was the seeming embodiment of health and was congratulated upon his fine appearance. Five hours later he was stricken with heart failure or apoplexy and in a few minutes had ceased to breathe.

While he was a modest and unpretentious man, whose life was a quiet one, he had filled a large measure of public usefulness. He came to Iowa in the midst of the great anti-slavery movement which resulted in the civil war, thoroughly imbued with the free-soil sentiments which prevailed in the north. He had also grown up with very practical ideas relating to the laws which govern towns, or townships, and counties. He was qualified by nature and education to become a prominent and useful citizen. When he came into the Iowa House of Representatives in 1858 the New Constitution had but recently been adopted and there was a necessity for much legislation to conform to that new charter of our rights. His conception of these matters seemed to be intuitive. He possessed the intelligence and the force of character required to make him conspicuous in the radical majority.

The outbreak of the civil war also called for the services

of patriotic and able men. Those who survive from that period will recall the fact that Mr. Gue was one of the foremost representatives in the 7th and 8th General Assemblies, and a leading senator in the 9th and 10th. While he served in the House there occurred one of the most prolonged and earnest contests that have marked our legislative history. The issue was upon the adoption of a representative system of county government in place of the old county judge system which centered all local authority in one man. He was one of the champions of the supervisor system, concerning which he had brought clear and positive ideas from the State of New York. In the war legislatures, in providing for raising, provisioning and arming troops, he always earnestly sustained the recommendations of Governor Kirkwood and Abraham Lincoln. In the founding of our common school system, in the work of securing friendly legislation for the Agricultural College, the State University, and the Normal School, few men had such well defined and positive ideas. Later on, strenuous efforts were made by unprincipled speculators to acquire large tracts of swamp lands in the northwestern part of the State. Gue, with others, fought this effort, which was simply stealing, until they were overborne by numbers.

Mr. Gue came into the State Historical Department with the writer at its organization, July 1, 1892, remaining until 1896. The indexes of the early volumes of *THE ANNALS* show a record of work highly creditable to him as an editor, while important volumes of the proceedings of the Pioneer Law Makers' Association were more largely due to his efforts than to those of any other person.

Mr. Johnson Brigham, in our Notable Deaths, has paid a deserved tribute to Mr. Gue's high character and invaluable services, leaving little to be added here.

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ENOCH W. EASTMAN.

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It is a pleasure to present Mr. Moir's tribute to the memory of Lieutenant Gov. Eastman, which appears in our pages to-day. There was much in the life, character and public services of this distinguished pioneer to inspire high respect, and for which he should be borne in grateful remembrance in this State. His published record does not show how useful he was to Iowa, for the reason that he passed but little of his time in public offices. The most important place he ever occupied was that of Lieutenant Governor and President of the Senate. Probably the event with which his name will be longest associated is that of the authorship of the inscription on the Iowa Stone in the Washington Monument. There was some competition in this matter, but Mr. Eastman's suggestion was deemed by far the most appropriate that was offered. The number of words as he submitted it was somewhat reduced, but not to the injury of the sentiment conveyed. His was a true, useful, patriotic life. He acted conscientiously as he saw his duty. When he finally passed away it was a matter of universal remark that he had deserved more from Iowa than he had ever received. Had he been more ambitious of public honors, he might have attained other preferments. But in his lifetime he was well known throughout the State and universally respected.

From the time he came to Iowa until the disabilities of age came upon him, he was a favorite public speaker, clear and convincing in his arguments, and at times overflowing with wit and humor. He brought with him from Yankee-land some quaint old-fashioned ways of pronouncing many words. Presiding once over a joint convention of the two houses of the General Assembly, he tapped the desk with his gavel, saying, "The J'int Convention will come to order!" It had been the practice up to that time for the clerk to proceed at once to call the joint roll, which he started to do.

"What are you doing, sir?" inquired Gov. Eastman. "Calling the joint roll!" replied the clerk. "What for?" asked the Governor. "To learn whether a quorum is present," said the clerk. "Well, sir, you needn't do it; 'taint in the law!" And he pointed to the section of the Code under which the body was acting. It may be presumed that after that the clerk waited for the Governor's orders before attempting to proceed with business.

Up to near the close of President Buchanan's administration Mr. Eastman was an old-school democrat. Not long before he left the party, he made a democratic speech in the old town hall at Webster City, an edifice which disappeared from the face of the earth more than 30 years ago. The speaker could not keep back a joke, even when it hit himself or his party. At that time—just before the civil war—the republicans claimed that the United States Treasury had been bankrupted by the Buchanan administration, and much was said in the papers on that topic. But Mr. Eastman boasted that the democracy had "governed the country for forty years," "whipped Mexico," and "given the nation the Sub-Treasury system," as it then existed. He stopped an instant and looking around, remarked, "But, by the way, our republican friends say there is nothing in the Treasury." This "brought down the house," and he laughed as heartily as his most pronounced opponent in the audience.

But when the great civil war burst upon the country, Gov. Eastman loyally supported the Union cause, finding himself thenceforth in accord with the party of Abraham Lincoln. The story of his career is well told by his life-long friend, Hon. W. J. Moir.

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#### AN IOWA MATHEMATICIAN AND HIS WORK.

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Few people are aware that a bi-monthly magazine of "Pure and Applied Mathematics" was published in the city of Des Moines for a period of ten years. Its title was *The*

*Analyst*. The first number was issued in January, 1874, and the last in November, 1883. The office which was the home of the editor was three blocks east and one block south of the capitol. Each number of this magazine contained 16 and each volume about 200 pages. As a literary work it occupied quite a unique and anomalous position. Its modest circulation was confined to mathematicians and astronomers, for the most part in colleges. When the publication was first announced some of these good people entertained such grave doubts of its success that they withheld their subscriptions. In one instance an eminent gentleman who has since taken his place among those whom the world deems illustrious, wrote Dr. Hendricks, the editor and publisher, a somewhat testy letter rating him on account of his presumption, though a few years later he was glad to procure every number of *The Analyst*. The publication went to a small and select constituency which was scattered throughout the world. Dr. Hendricks thus came into pleasant relations with men profoundly learned in most civilized countries. The type for the pages of the little magazine was set by his daughters, in his own house, from fonts of type which he had procured for this purpose. The printing was done at one of the offices in the city of Des Moines.

Dr. Hendricks was a self-educated man whose school advantages had been very limited, but he had a natural aptitude for the study of mathematics in which he became thoroughly learned. He settled in Des Moines in 1864. The first ten years of his residence in the capital city he was mainly engaged in surveying, having previously carried out a large contract under the surveyor-general of Colorado. The succeeding ten years—1874 to 1883—were devoted to the publication of *The Analyst*. In the latter year, clearly discerning that the disabilities and limitations of age were creeping upon him, Dr. Hendricks determined to discontinue its publication. This step met with the sincere regret of mathematicians in all parts of the world, but it was inevitable, for

there was no one to take his place as its editor. He had prepared an index for each volume at its close; but when he decided to discontinue the work he announced this fact to his readers and compiled and printed a general index to the ten volumes, thus systematically rounding out and completing his labors. He presented a set of *The Analyst* to the Historical Department, with many original letters from his correspondence. These letters were inserted in the bound volumes thus making an important addition to the data for his biography. Mr. John J. Hamilton, of *The Des Moines Daily News*, wrote a full and highly interesting sketch of the life of Dr. Hendricks, which was published with his portrait; and Prof. Florian Cajori, of the University of Wisconsin, under the auspices of the United States Bureau of Education, Washington, D. C., published a paper on "Mathematical Journals," in which he paid a high tribute to "Joel E. Hendricks, a self-taught mathematician." Among other matters Dr. Hendricks wrote his autobiography, the original manuscript of which was also bound with Vol. I of *The Analyst*. These biographical materials, thus incorporated with his work, form a unique, but tasteful and most appropriate memorial of this quiet and devoted Des Moines scholar. He died June 8, 1893, at the age of 75 years.

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#### OUR ILLUSTRATIONS.

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Our frontispiece is an original steel engraving of the portrait of the lamented Philip M. Crapo. We did not receive the impressions from the plate in time to have them appear with the announcement of his death, and we therefore present them in the present issue of THE ANNALS. This portrait is deemed by his friends to be one of rare excellence—a triumph of the engravers' art. It affords us great pleasure to present it in our pages.

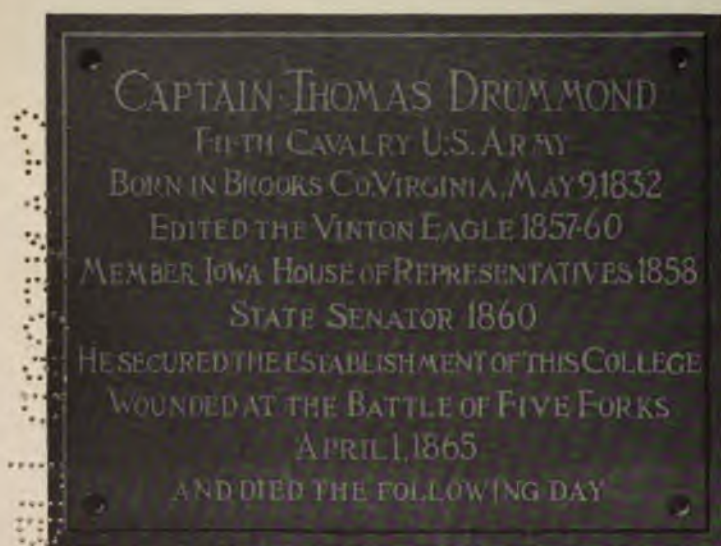
Our portrait of the late Honorable Enoch W. Eastman

The cuts of Mr. Gue's portrait and of the two Bronze Tablets did not reach the office until too late to receive mention in the article on "Our Illustrations." Delay in binding this number enables us to present them in their appropriate places.





This engraving gives an excellent representation of the Bronze Tablet unveiled in the Art Gallery of the State Historical Department, by the Iowa Sons of the American Revolution, April 19, 1904, to the memory of five Revolutionary soldiers who died and were buried in this State.



The Tablet unveiled in the College for the Blind, at Vinton, Iowa, May 26, 1904, to the memory of Captain Thomas Drummond.

is a half-tone copy of a steel engraving which was published in a book of Iowa Biography during his life-time. It is an excellent likeness as he appeared before he began to feel the encroachments of age. But really, the State should possess an oil portrait of this grand old pioneer who was an important factor in laying the foundations of our State while Iowa was still a territory. "He did the State some service," and his memory should be cherished as one of its most deserving sons.

Mr. Duffield's article is illustrated with an engraving of the portrait of Samuel Clayton, a noted pioneer of Van Buren county and a cut of the ruins of the last of the old flouring mills built in early days. The other mills have disappeared. A bit of beautiful scenery near Mr. Duffield's residence is also presented in another engraving. We are indebted for the excellent photographs from which these engravings were copied to Mr. E. R. Harlan, of Keosauqua, who finds time in the midst of his legal practice and business affairs to indulge in a little amateur work in this direction. He photographed the old "Church Tree" of which a cut appeared in a previous number.

An excellent portrait of Mr. John Weare illustrates the first part of "Pioneer Perils," an exciting event in the early history of Cedar Rapids. Mr. Weare was a widely-known business man when thousands of the early settlers were rushing to Iowa every month. His dealings were largely with these people.

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#### TABLETS UNVEILED.

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The 19th day of April, 1904, was distinguished by an event of no mean significance in Iowa history. On that day the first commemorative tablet placed in the building of the Historical Department of Iowa was unveiled. The event was significant because it was the unveiling in this State of the first tablet having reference to any event or character in Revolutionary history. Certain graves of departed Revolutionary soldiers had been marked by monuments according to old burial customs, but their historical

and educational significance was not the same. Those events were local; this was State-wide in its aspects and its lessons for the people. The immediate movers in this commemoration were the members of the Iowa Society of the Sons of the American Revolution. *THE ANNALS OF IOWA* had, however, an influence more or less potent, in inspiring this patriotic action. In July, 1901, *THE ANNALS* contained the names of five Revolutionary soldiers whose ashes rested in Iowa soil, with brief enumeration of the particulars of their birth, life, service in that war and death. Their names were William Blair, Timothy Brown, John Osborn, George Perkins and Charles Shepherd. Prior to this publication, however, in April, 1900, action had been taken at the annual meeting of the Society, looking toward the erection in the Historical Department of a tablet to the memory of William Blair, it being supposed at the time that no other patriot of '76 had his honored grave in Iowa. Before the action of this Society took definite form the article referred to appeared in *THE ANNALS*, and the Sons were greatly aided in their work of identifying the graves of Revolutionary soldiers by that publication, their object having expanded from the commemoration of the death and burial of one to the commemoration of the death and burial of all the soldiers of that war buried in the State.

The event is significant in the evidence it furnishes of the rising tide of patriotic sentiment and of the renewing and intensifying of the proper appreciation of the importance of that great struggle and of the sacrifices of those who fought its battles.

We learn that the first of the Sons to feel the inspiration to commemorate the death of any Revolutionary soldier in Iowa was Judge Andrew J. McCrary, formerly of Keokuk. He made the motion in the meeting of the Society in 1900, which started the movement that resulted in placing the beautiful and artistic bronze tablet where every visitor to the Historical building must see it and take in its meaning.

The details of the work of selection, of inscription, contracting for and unveiling of the tablet, which is the design and handiwork of Tiffany & Co. of New York, fell to the lot of Herman Knapp, Esq., of Ames, and Capt. Elbridge D. Hadley, of Des Moines. They are justly proud of the results of their patient care.

The unveiling ceremonies were interesting in the extreme. Col. Warren Scott Dungan, retiring president of the Society presided. The report of the tablet committee was made by Mr. Knapp. Col. Dungan followed with an eloquent and patriotic dedicatory address. The response for the State of Iowa was made by Mr. Henry Wallace at the request of the Governor, and Capt. Edward Ridgeway Hutchins concluded the ceremonies with an address of congratulation. We take the liberty of quoting the following passages from Col. Dungan's address:

What, then, does this Tablet mean? It means that the virtues of valor, self-sacrifice for home and country, of patient suffering and heroic endurance, which solved the problem of liberty and caused the birth of a new republic in the new world, shall everywhere be recorded and engraved



in the most enduring form as an inspiration to all the generations coming after.

It means that the services, the lives and the blood of the patriot fathers sacrificed for us shall stand emblazoned, not only on every page of our history, but on every patriot grave throughout our broad land, to kindle in the hearts of those who succeed us a patriotic ardor which is essential to the higher ideals of good citizenship.

It means that the American *private soldier*, especially of the Revolutionary period, shall be honored far beyond those of any other nation of the world, because of the high position which we in our system of government, assign to the citizen in his individual capacity, where he has no superior before the law. \*

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A bronze tablet has also been placed in the College for the Blind at Vinton, to the memory of Capt. Thomas Drummond, the founder of that institution. Mr. A. N. Harbert of Shellsburg, collected the subscriptions, prepared the inscriptions and contracted with the Tiffanys of New York city for its manufacture. A rich and beautiful piece of workmanship was secured. This was placed on the walls of the College and dedicated to the memory of the citizen, editor and soldier, May 26, 1904. The presentation address was made by Hon. Cato Sells, of Vinton, and the bronze was accepted by Governor Albert B. Cummins. Addresses were also made by Senator W. P. Whipple, Judge L. G. Kinne, Prof. T. F. Tobin, and others. Hon. Bernard Murphy, his journalistic successor, issued a special Drummond edition of *The Vinton Eagle*, presenting the principal addresses, with many appropriate illustrations, including a portrait of Capt. Drummond, and a cut of the tablet. The occasion was one of great interest, and with the exception of the absence of Mr. Harbert, due to illness, everything passed off happily. Thomas Drummond was a distinguished and useful Iowa journalist and legislator up to the time that he entered the regular army. He fell at the battle of Five Forks, Va., April 1, 1865, when the fighting was practically over. This commemoration of his useful labors and heroic death makes his memory secure in Iowa.

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### THE LARRABEE STATUES.

In front of the Iowa building at St. Louis, the attention of the visitor is attracted to the bronze statues of Gen. William T. Sherman, Admiral Farragut, Ex-Speaker David B. Henderson and Major-General Grenville M. Dodge. These statues are spoken of by all who have seen them as works of high artistic merit. Those of Gen. Sherman and Admiral Farragut have been carefully inspected and heartily approved by the sons of those illustrious heroes. The statues

## Historical Department of Iowa.

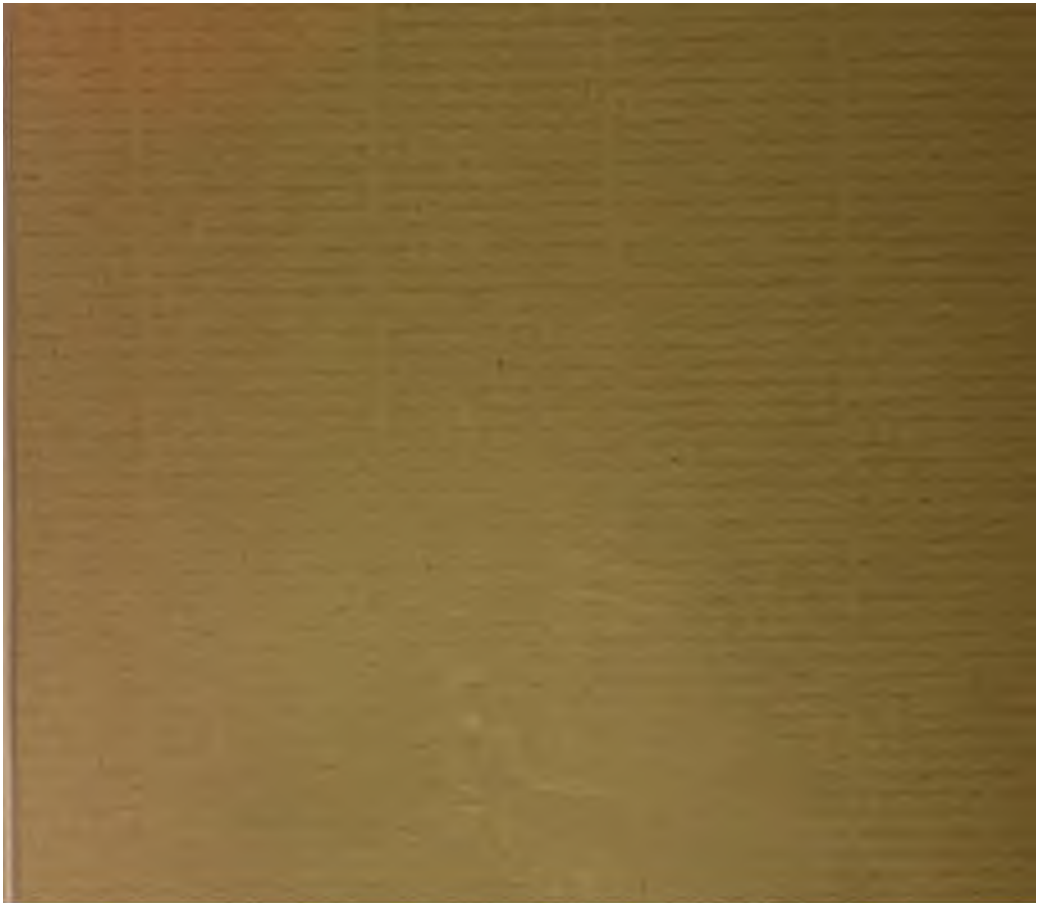
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CHARLES ALDRICH, CURATOR.



THIRD SERIES.

VOL. VI.



OCTOBER, 1904.

# ANNALS OF IOWA.

A HISTORICAL QUARTERLY.



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HISTORICAL DEPARTMENT OF IOWA.

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DES MOINES, IOWA.

## ANNALS OF IOWA.

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*Photo by F. J. Smith*

*Photo by F. J. Smith*

*Fitz Henry Warren*  
BRIG. GEN. FITZ HENRY WARREN

## ANNALS OF IOWA.

1. *Pharmaceutical Innovation and the Public Good* (2000)

[illegible]

“...and the people of the world.”

[illegible][illegible]

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but there are more than a few reasons:

... But his thirst for knowledge

and the following primary instincts were:

It was found that the highest yield of product was obtained at a high speed

But, as a friend of the Puritans, he was far from being a Puritan in any sense. On the contrary he was a Unitarian. He never believed what the Puritans believed, for he was a devotee of those very principles which were so utterly necessary to the Unitarian cause. He was a Unitarian in all the ordinary ones which a Unitarian could be, and he was a Unitarian in all the extraordinary ones which they are gathered.

... enough in the confidence and competence of the elected political decision-makers to ensure

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26



in until he sided with Andrew Johnson in the historic rupture between that President and the party which elected him, this confidence and distinction were based on well-merited and worthy grounds, instead of springing as rewards for machine services. He fought vigorously for his party, but his contentions were always manly and aboveboard. I know that he naturally disdained the dishonest methods and political trickery to which mere professional politicians resort. He was altogether above this. And for this very reason, and because of his high personal bearing, he was never a prime favorite with that class. His support was founded on the best elements of the party, and every person who knew him as well as I knew him will affirm these statements.

It is true that he to some extent sided with President Johnson in the rupture before referred to, and took strong grounds against the attempt of Congress to impeach him. It is also unfortunately true, that at that moment, he fell from the political grace of that party which he had helped to found and with which he had so strongly stood, as quickly as a star thrown from its accustomed orbit.

He might still claim to be a Republican, but his caste was gone; a hue and cry was raised against him; his motives were impugned and he was nailed to the political cross. He might still claim to be a Republican by reason of his long and valuable services, though opposed to some features of the party in the reconstruction of the seceded states; to the indiscriminate and immediate conferment of the right of suffrage upon the negroes who had been lately slaves; to the extreme views of unscrupulous politicians upon the southern situation, and to the impeachment of the President. But it was all to no purpose. He had, to use the phrase of the times, become "Johnsonized." He had committed the unpardonable sin and was condemned "without benefit of clergy."

But this was not his fate alone. He suffered in most



distinguished company. In that of the illustrious Senator whose name and services adorn the history of Iowa perhaps more than any other; who was the most prominent founder of the Republican party in the State, and the first Republican Governor—James W. Grimes. And when it was ascertained that Senator Grimes had voted against the impeachment, the news was received in Iowa with general and severe disapprobation by the political leaders and the party press. In the excitement of the moment, the personal convictions, the life-long services, the cogent reasons given by the Senator for his action, were unmercifully swept away in the fury of the political blast kindled by the press. A few of the number even went so far as to impute not only party disloyalty but mercenary motives to the Senator, whose integrity, notwithstanding his saving disposition, Satan himself would not dare to tempt.

He would not flatter Neptune for his trident,  
Or Jove for's power to thunder.

The reasons given by the Senator for his action, were, that the impeachment of the President, under the circumstances, would strongly tend to Mexicanize the government and weaken it in the eyes of the world; and that the official changes in an administration, which at most had but a few months to run, would result in corruption and disorder that would be dangerous to the nation.

I confidently believe that the sober judgment of the great mass of the people today thoroughly approves the action of Senator Grimes and his compeers. Of the nineteen senators who voted against impeachment, seven were Republicans, one of which was the justly exalted senator from Maine, William P. Fessenden, the most intimate friend Senator Grimes had outside of family relations. These Republican senators all shared alike in the denunciation which the political inquisitors hurled against them, and without exception I believe, were retired from public life.

It was thought that these severe censures, and the change

of feeling toward him on the part of old political friends, impaired the health of Senator Grimes and hastened his death. And I have no doubt that this, added to previous disappointments and sorrows, was the case with General Warren.

That both of these men thought the "times were out of joint," and that the public service and political morals had deteriorated, there is no doubt. In respect to General Warren, I had it from his own lips; and as to Senator Grimes, it is quite apparent from the following correspondence between Senator Fessenden and himself, while the latter was in Europe in search of health. On October 8, 1869, Mr. Fessenden wrote Mr. Grimes:

I shall be a candidate, for duty to myself and the State requires it of me. If money is to be used, be it so, it will not be used by or for me. I will have no hand in corrupting legislative morals. If elected at all, it must be on my merits, and because the people so decree. For corrupt and corrupting honors, I have no desire. My hands are clean thus far, and I mean to keep them so. Any but an honest and high-minded people I have no desire to serve.

To this the Iowa Senator responded:

Your letter of the 8th inst. has just reached me, in the midst of the Savoy Alps, being douched and soaked in hot sulphur water.

Perhaps you have observed that I have resigned my place in the Senate. The truth is, the place has become irksome to me. There are so many men there with whom I have not and never can have a particle of sympathy, so much corruption in the party with which I would be compelled to act, so much venality and meanness all around, that aside from ill health, I had made up my mind that the Senate was no longer the place for me.

But if you are going to be as virtuous as you say you will be, you will not be re-elected to the Senate. Why, the war has corrupted everybody and everything in the United States. Just look at the Senatorial elections of the last winter. They were nearly all corrupt. It is money that achieves success in such affairs nowadays. Thank God my political career ended with the beginning of this corrupt political era.\*

I have indulged in this divergence in respect to Mr. Grimes because it illustrates the spirit of the times; because it reflects General Warren's own views in those of the Sen-

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\*Dr. William Salter's life of James W. Grimes, N. Y., 1876, p. 376.

ator, and serves to soften and explain his political action.

General Warren was wanting in some of the elements essential to complete political success; and because thereof he did not reach the highest points to which his real merit entitled him. He was not what is called a "good mixer." He lacked the *suaviter in modo*, and the quality of personal assimilation that go to make men generally popular. He also lacked the power of concealment, of dissimulation; the power to disguise his displeasure under a smiling face, his anger with an air of composure; and to listen to and suffer patiently, things which inwardly he had no patience with. On the contrary of these qualities, he was in appearance an aristocrat; his demeanor, seemingly haughty and imperious; and it must be confessed that these appearances did not entirely belie his nature. He was, in short, a patrician, with few plebeian qualities. His generosity and kindness of heart, however, were unbounded, and had money stuck to his fingers he would have died a wealthy man. If he were angry, he showed it. If he disliked men or measures, he was quick to declare it; and sometimes with a bitterness that was sure to provoke enmity. He was easily provoked himself, and when so, exercised a vein of polished satire that was very cutting. He was intensely bold and independent in thought and expression, and was ever unwilling "To crook the pregnant hinges of the knee, that thrift might follow fawning."

And yet with all these qualities, some of which were strongly against his political advancement, he attained to greater heights than would have naturally been expected; especially when we take into consideration that he was not a politician in the ordinary sense of the term, and that politics was more an incident to his business than a pursuit. In 1847 he came from his native state, and settled in Burlington where he engaged in business. He was then about twenty-seven years of age. In 1849 he had gained so much distinction that he was appointed by President Taylor

**ASSISTANT POSTMASTER GENERAL** The appointment and removal of postmasters throughout the country fell within his jurisdiction, and in this and other matters pertaining to the department he displayed a high order of ability, which attracted the public attention and made him the most widely distinguished national character that Iowa as yet had had at the Capitol. Had he remained in this position, it is probable that higher honors under the administration would have attended him. But true to himself and the instincts I have pointed out, he threw up the office in disgust, and retired to private life because Mr. Fillmore who had become President by the death of President Taylor, had allowed himself to be persuaded into signing the new fugitive slave law. This, however, augmented still more his national reputation. Not long thereafter he was made Secretary of the National Executive Committee in the Scott presidential campaign. In 1855 his name was strongly before the legislature as a candidate for United States senator to succeed Gen. A. C. Dodge. Among the candidates, at the outset, his name was the most prominent, but he was defeated by James Harlan, whose election was a surprise to the people of the State.

This unexpected result was brought about by the following circumstances: Harlan was a talented young member of the Methodist clergy, who had as yet gained no particular distinction. He had, however, been the Whig nominee for State Superintendent of Public Instruction. His opponent was Judge Charles Mason. Some of the votes at the election, evidently intended for Harlan, had been variously labeled for "James Harlin," "James Harlond," "James Harlam," and some simply for "Harlan." In canvassing the vote, Elisha Cutler, the then Democratic Secretary of State and who was charged with canvassing the vote, counted these votes separately, instead of counting them all for James Harlan as they should have been, and which would have given him a clear majority. The result was that Mr.

Harlan was counted out and the majority given to Judge Mason. This was felt to be an outrage by a large number of people irrespective of party, and the result was to bring the injured party prominently before the Fifth General Assembly as a candidate for United States senator. Had it not been for this circumstance, Fitz Henry Warren would in all probability have received the distinction of being the first Whig or Republican United States senator from Iowa.

When the dissolution of the Whig party became evident, he actively joined in the organization of the Republican party; and in 1856 was made one of the delegates from Iowa to the first National Convention of that party. He was by common consent made chairman of the delegation. He continued to take an active part in politics, especially after the organization of the Republican party, when the extension or non-extension of slavery into the territories became the supreme issue; and to this issue he devoted his best energies on the hustings and elsewhere. Upon the election of Mr. Lincoln, his name was conspicuously mentioned for the position of Postmaster General, and it was believed he would be appointed. But he was not. The post of Assistant Postmaster General was tendered to him but declined.

In 1861 he became a member of the editorial staff of *The New York Tribune*, and startled the whole country by a series of brilliant articles bearing the insignia of "On to Richmond," which was then the Confederate Capital. He believed, and vehemently believed, that the true policy of the nation was to make a supreme effort to crush the rebellion at the outset by an overwhelming force, and that the fall of the Confederate Capital under a crushing blow would greatly tend to seal the fate of the confederacy itself; and to this end he trained his editorial artillery, upbraiding the dilatory steps of those in power, and urging in most virile and striking language a forward movement. One effect of these articles was to stamp the author as one of the ablest journalists in the country, and a unique commander of the English language.

They came at a time most auspicious for their object. The people were perplexed with the inaction of the gathered forces; with what was termed at the time the "masterly inactivity" that prevailed at the Capital, and tired with the stereotyped daily telegraphic heading that had so long appeared, of "all quiet on the Potomac." They aroused anew the impatience of the people with the lethargy that seemed to reign at headquarters. They came like the arousing tocsin of war, and stirred, from one end of the country to the other, the restless patriotism of the people, as did the Marseilles hymn through the streets of Paris.

Believing that it would be of interest to the reader, as well as illustrative of my subject, I took the pains to procure from New York one of these articles, from which the following extracts are made:

TO RICHMOND! TO RICHMOND! ONWARD!

*From Our Own Correspondent.*

WASHINGTON, May 27, 1861.

There is quietness and subordination in Alexandria. The power of the Government and its emblem are visible, respected, and obeyed. On Arlington Heights stands the soldier, with musket at shoulder, looking toward that far Southern horizon which measures the limit of our domain, and marks the point of his destination. . . . Fifteen thousand men now leave footprints on the soil of Virginia in the stern tread of men who bear with them the accumulated resentment and the inflexible justice of a people called from home and hearth-stone to defend the institutions of our commonwealth from robbery and ruin. Cannon in embrasures and muskets behind breastworks have their muzzles toward Richmond. Mr. President, Lieut.-Gen. Scott, Messieurs Secretaries, *when* shall the bayonet flash to the "Forward!" of the Centurion of the conquering line? . . . The voice of the public, from the gentle heavings of the Pacific, over the desolate wastes of the wide central basin, from the gulch and gold-washing, from the prairie and lake coast to the myriad voices of the Atlantic margin, gives forth the swelling cry "Forward!" . . . From the heights of Shochoe Hill, looking away toward Monticello, read, to an air vocal with acclaims, the charter of our freedom, on a soil which held in living and in death the author whose imperishable fame smiles in the dying glory of a State which now stones the prophets of its old religion. . . .

"On to Richmond!" then, is the voice of the people. Unloose your chivalry, Man of high command! Let them strike home to the heart of

Virginia in the early part of June. Do you need *men*? Publish once more the "Arriere Ban." Call out the thousands who are now panting for the charge. Do you want money? Call for the treasures of hoarded capital full to congestion, as are the coffers. Use it for food in the field and furnishings for the march, and *not* for subsistence in camp or for the bread of idleness in the bivouac, and you shall have ingots at your need. Who cares to ask whether Treasury Notes are at eighty cents or par? Who inquires whether United States "6s" are worth a full hundred or ten per cent under. War bulletins, and not Rowlet's interest tables are the reading of the public. The victim strangling and struggling for life in water, does not think of his check book or his banker's balance. It is for existence that we poise the uplifted hand to strike. The country now, patrician and plebeian, would hail the sight of a quarter of a million of soldiers under canvas or in line of advance, with home reserves of equal footing. If you would spare carnage, overshadow resistance by the presence of invincible numbers. We do not ask you—for I speak as a Tribune of the people—to push to the tidewater of the Gulf *now*, but we do beg and implore of you to pierce the vitals of Virginia, and scourge the serpent-seed of her rebellion on the crowning heights of Richmond. The stock exchange of your marts, the graduated barometer where the strength of power and the confidence in Government can be read, will show a rising fluid. The meshes of foreign diplomacy winding about you, when you are in a weakness confessed by hesitation and inaction, will fall apart like flax at the touch of fire, when you shake yourselves in the risings of your might. Thirty-four stars in the firmament of the Capitol of Virginia, with the attending stripes, will stir the blood of the two Continents. . . . The dollar worship is not the true devotion of the land. Years of peace, and its pursuits—accumulations of capital, ingathering of foreign and American art, collections of libraries, adornments of country seats, have reduced but not extinguished the fires of ancient wars in forest and field. Under flannel and homespun beats the knight-errantry of Templar and the Fleece. Do you reply that we are to have this capture only by a conflict and loss of blood? Granted. But who ever knew a war without battles, or a campaign without carnage? If victims must be had, as we know they *must*, let the offering be early. No one who presses on to the accomplishment will stop to calculate whether he is to come back to the music of a quick-step, or the measure of a dead march. It is not here that private grief, in foreboding, is to stand in the path of high achievement. If a voice is to be heard in Rama, let it wail out *now*. . . .

Again we repeat, "On to Richmond!" Point your standards and your steel toward this weird sister, who has said and sung incantations of treason for twenty-five years. . . . Let her still sowing of the wind have a generous harvest of the whirlwind, and let it be *now*. . . . To Richmond! To Richmond! As the armies of Europe stood amid the wreck of the French Empire at Leipsic and saw the narrow "chaussee" of the Elster, with the living masses of the retreating route go down, with its falling arches, into the engulfing flood—peer and peasant—marshal



and soldier. . . . from the stunned and shuddering ranks, jubilant in the coming redemption of an awed and abject hemisphere, went up the shout—"To Paris! To Paris!"

So we, with eyes upon our enfranchisement, which shines in the near coming, take the cry from history, and ring out from the gathering army waiting for its signal—"To Richmond! To Richmond!"

It was claimed on the one hand that the general effect of these articles on the army, was to cause it to move; that the movement was premature—like that urged by the Roman Senate upon Pompey against Caesar at Pharsalia—and that the disaster at Bull Run was the natural consequence. On the other hand, it was claimed that they "evinced a genius that caused a national recognition, and in truth-telling, rose to the rank of a bold seer in the morning of the rebellion;" and that the disaster was solely attributable to the errors of military commanders.

Who shall tell? "The uncertainties of war," are as familiar to our ears as household words. But one thing is sure, that if they had been solved in our favor, and victory taken the place of defeat, General Warren would have been fairly covered with glory. And who shall say, that if the movement had been successful and the rebel Capital taken, the end of the rebellion would not have been sooner reached?

The personal result upon General Warren was his retirement from *The Tribune*, then the most widely circulated and powerful journal in the country, to commence his military career as Colonel of the First Iowa Cavalry, in the summer or fall of 1861. In August of 1862, he was made a Brigadier-General and severed his connection with the regiment to take the command of a brigade.

General Warren did not reach that eminence as a soldier which was expected of him. The reasons for this to my mind are apparent. In the first place, during his connection with the regiment and until his promotion as Brigadier-General, the opportunities for distinction were limited by the character of warfare in which the regiment was engaged pending that period. The regiment, which was a very large

one, was divided into battalions and put upon detached or outpost service in Missouri.. And while this service was of a most trying, dangerous, severe and valuable character, it was for the most part directed against small forces, the suppression of the guerilla bands that numerously infested that state; the protection of Union men, and like services. There never was a finer regiment of volunteer soldiery nor one more perfectly disciplined. Gen. Warren was one of the finest and strictest of disciplinarians, and under his training the regiment had acquired the reputation of being the best disciplined of all the splendid ones which Iowa sent to the field. Nor were any of them better officered from the head to the foot. But, up to the time of which we are speaking, it was not engaged on fields where large forces were collected; where great pitched battles were fought, and where opportunities prevailed for brilliant exploits. Nevertheless, he gained military recognition, and was made a Brigadier-General on the date before stated.

But here the same fate awaited him; the same lack of opportunity to highly distinguish himself in great engagements where large armies encounter and "fields are won."

There seems indeed to have been a studied effort to thus place and restrain him; and for such course of action on the part of the controlling powers, there unfortunately existed more or less forcible reasons; the principal one of which was a spirit bordering on insubordination inherent in the very being of General Warren. A disposition to severely criticize his superiors and question their orders. His maxim was *aut Caesar, aut nihil*. This quality was conspicuously exhibited in the "On to Richmond" phillipics. And it was subsequently displayed in other instances, the most important of which I will relate.

General Warren, by reason of the characteristic just referred to, having quarrelled with General Totten, and other generals who outranked him, desired to rid himself of all superior authority in the field except that of the Com-

mander-in-chief. He therefore applied to General Curtis, commanding the Department, to be given a district in which he should have the supreme command and not be subject to orders from any less authority than the commander of the Department, and required to report only to Department headquarters. General Curtis, who knew of the disturbed conditions referred to, and the causes from which they arose, gladly acceded to General Warren's request, and carved out a district in southwestern Missouri for him, and gave him a fine brigade composed of infantry, cavalry and artillery. While at his headquarters in this district he received an order from the General commanding the Department to march at once with his command and report to General Davidson at or near Salem, Arkansas. From the effect of severe rains, the roads over which his command would be obliged to travel were in a fearfully bad condition, but not impassable, as the sequel will show. The principal obstacle was the fact that General Davidson outranked him. He was not the commander of the Department, and he accordingly determined to disobey the order, on the ground that the condition of the roads was such that he could not execute it.

At the expiration of a week he received another order directing him to turn his command over to the next ranking officer, with directions to carry out the order he had disobeyed, and report himself at Rolla to explain his disobedience of the order referred to. From thence he was ordered to St. Louis, where instead of placing him on trial by court-martial, his old and very kind friend, General Curtis, assigned him to duty elsewhere.

But the new fields assigned him furnished no adequate opportunity for the superb talents he possessed as a soldier and commander (barring the quality before mentioned), and which if they had been accompanied by a proper spirit of subordination, would have undoubtedly led him to signal military distinction.

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The occurrence I have just related in respect to General Warren, does not appear in either of the histories hereinbefore referred to. It is the result of private communication; but from one who was present and of such high standing and authority that his word would be taken as a verity in any part of the nation. This gentleman, whose name I do not feel privileged to disclose, in a communication referring to the affair, uses this language: "This incident in the military career of General Fitz Henry Warren, with others like it, shows that he had a mental idiosyncrasy that made it impossible for him to obey orders, and is the real reason why he attained to no greater distinction during the civil war."

It will thus be seen that my opinion of General Warren's qualities in the respect referred to, and the effect of those qualities upon his military career, is confirmed by an authority much higher than my own. It is unpleasant for me to write these lines concerning this remarkable man, but it is necessary in order to verify the correctness of my estimate of him, and due to the truth of this memoir.

Let me now resume his civil career where I left off. In June, 1863, the Republican State Convention was held at Des Moines. It was my fortune to be present and a spectator of the proceedings. It was supposed that the principal contest for the gubernatorial nomination would lie between Fitz Henry Warren and Elijah Sells; and had it thus remained there is no doubt but that the former would have been the nominee. His long and conspicuous services, it was thought, entitled him to this recognition, and at the outset his supporters were greatly in the majority. He was there, from the field, in person. So also was Col. William M. Stone, of the Twenty-second Iowa Infantry, with his wounded arm in a sling, fresh from the field before Vicksburg. His name was introduced into the canvass.

The night before the convention a large and enthusiastic meeting was held. It was opened by an able and polished

speech from General Warren, in the course of which—again true to his instincts—he made some allusion to his principal competitor, Mr. Sells, which was not well received by the friends of that gentleman and tended to incense them. Mr. Sells not being much of a public speaker, loud calls were made for Colonel Stone, in response to which that gentleman, with his suspended arm, came to the platform, and without any reference to the canvass or its candidates, made the effort of his life in a speech of stirring eloquence, touching the general cause for which the government was struggling, the valor displayed by the Iowa soldiery on the field, and the great achievements of the Republican party.

The effect of this speech on the proceedings of the convention was plainly visible when it met the next day; and when Colonel Stone himself marched down the aisle of the convention hall, his towering form was greeted with a tremendous outburst of applause. The enthusiasm was infectious. The supporters of Mr. Sells were ready to turn their forces to Colonel Stone. At this juncture, the conspicuous figure of General Warren was seen to arise in the midst, and with a strength and grace that were superb and that strongly ingratiated the convention in his favor, and aroused anew the enthusiasm of his friends, withdrew his name from the contest. The nomination of Colonel Stone followed.

It was thought by many, that if General Warren had not thus withdrawn, the sober, second thought of the convention would have nominated him. In my judgment he ought to have been nominated. His high ability and eminent service entitled him to it. He undoubtedly thought so himself, and felt stung to the quick by this verification of the old adage, that Republics are ungrateful.

After the close of the war, in 1866, he was elected to the State senate from Des Moines county. Near the close of the session, he received the appointment of Minister to the Republic of Guatamala. He chose for the legation, quarters in the capital city befitting his station and the government

he served. He performed the duties imposed upon him with efficiency, and was in great favor with the high-bred Castilians, quite a number of whom resided there. No Castilian, I am sure, could outshine him in courtliness of manner. He was perfectly at home in that line.

The last time I saw him was immediately after his return from that mission. It was at the Savery House in Des Moines. We had a delightful conversation. It was mostly reminiscent along the line of persons and events mutually familiar, but much of it was descriptive of Guatamala and her people. He seemed somewhat careworn, but his mental vivacity and his interest in all affairs pertaining to Iowa, were unabated. For a considerable period after that he was engaged in literary work at Washington and New York as a writer for *The New York Sun*, and was subsequently engaged for a time in railroad building in Iowa. Following this, he permanently took up his residence in the East, and died there in 1878, at the age of sixty-two.

I was a member of the Iowa senate with him at the session hereinbefore referred to. He was easily the most remarkable and accomplished man in that body. To a strong literary taste and wide reading, nature had added a brilliant mind and the gifts of genius. There was scarcely any field of literature that his research had not to some extent invaded, and his acquaintance with belles-lettres remarkable in one who had not made it a study. A single instance will illustrate his spirit of research. On going to his room one evening I found him reading Lingard's history of England. I remarked, that with Hume and Macauley, with whom I knew he was familiar, I did not see why one should care for anything else on that subject. His reply was, that Lingard covered most of the ground embraced by both the authors named; that Hume was an intense Tory, and that subsequent historians had spent a good deal of their time in correcting his misrepresentations (which is true); but his chief reason was, that while other his-

torians had written from the Protestant point of view, Lingard had presented the Catholic side; that he had done it fairly and authentically, and that it was necessary to read both sides to get the real truth.

In appearance he was most distinguished. His high-born instincts and great culture were traced upon his face and visible in his bearing. Had he been set down in the French Assembly or in the British House of Lords or Commons, he would have attracted immediate attention. As an orator, he was rather too refined and classical for the ordinary hustings, but in the forum he was one of the most polished. But polish was not the only quality of his oratory; it had also the vital ones of pungency and force; and the argument was well adhered to, and enforced in a voice seldom rivaled for its sonorous strength and far-reaching power. While his discourse was sometimes ornate it was never vapid, and flowed like a "current that worked its way into the light through the filtering recesses of thought and learning." These varied accomplishments were backed by a highly sensitive nature, and a spirit as proud as Lucifer. He had the consciousness that he was born to command, and could not brook opposition or the control of those whom he regarded as his inferiors.

But alas! it was these characteristics that thwarted his progress all along his pathway and prevented him from attaining that eminence to which his talents entitled him. He was brave and valorous as a knight and in appearance every inch a soldier; but instead of rising to that distinction which he would otherwise have obtained, he narrowly escaped a court-martial for insubordination. His "On to Richmond" articles—however well founded they may have been—assuming to direct the army over the head of the Commander-in-chief and his generals, embarrassed both the administration and *The Tribune*. Instead of biding his time when he lost the gubernatorial nomination to Stone, and trusting to the people's returning sense of justice to right his wrongs, he wrecked his political future by taking a different course.

He doubtless lived long enough to understand the causes which had so seriously interfered with his advancement. Of him it may be fittingly said what Justin McCarthy has said of Lord Durham: "His proud and sensitive nature could ill bear the contradictions and humiliations that had been forced upon it. He wanted to the success of his career that proud patience which the gods are said to love, and by virtue of which great men live down misappreciation and hold out until they see themselves justified, and hear reproaches turn into cheers."

I desire to correct here a statement, founded on erroneous information, contained in a paper prepared and read by me before the Pioneer Law Makers' Association of Iowa at its meeting in 1898, entitled "A Glimpse of the Personnel of the House of 1864 and Senate of 1866," to the effect that General Warren had died in a hospital under distressing circumstances. Instead, while he had previously been in a hospital, he died where he was born, at Brimfield, Massachusetts, at the home of a near relative. Hitherto, broken in health and exhausted by the efforts and disappointments of his strenuous life, he turned his weary footsteps, to rest and to die amid the scenes of his childhood.

I have endeavored in what I have thus written, to give a faithful picture of General Warren, and in such manner, that the reader may gain therefrom a pretty clear conception of him as he really was. If I have failed in this, I hope some more competent survivor of his time will do better.

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IOWA FLOUR TO PIKE'S PEAK.—A train of seventeen wagons loaded with forty hundred of flour each started from Council Bluffs to Denver City on the 4th inst. With Pike's Peak region for a market in the west and the rest of mankind for the eastern portion of Iowa, this year's crop ought to bring some money.—*Dubuque Herald, September 19, 1860.*



## LEGISLATION IN IOWA PRIOR TO 1858.

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“In modern legislatures we find our lawmakers chiefly concerned with promoting the rights of property and the privileges and the profits of corporations as against the rights of man and of Labor.”

It was the expression of this sentiment, by a leading representative of labor unions in the United States in the course of an address to a mass meeting, some years ago, in the capital city of our State that first suggested to the writer to analyze and compare the enactments of Iowa's legislature and from the experience of a typical state to determine if possible what the real nature and drift of our laws have been. The sentiment is quite common and, if true, is a matter of serious moment to the nation; for no people can long live content, let alone prosper in their industry, under the domination of unjust laws and persistent and oppressive favoritism in their enactment and execution.

### I.

In what follows there is presented some of the results of what may be called a study in the statistics of Iowa's statutory enactments during the first twenty years of the State's legislative history. In a subsequent paper the results respecting a similar study of legislation since 1858 may be given. The time here covered divides naturally into two divisions that constitute two well marked periods in the State's career. The first is the period of the territorial government from 1838 to 1846, and the second is the period of the first State government under the constitution of 1846, from 1846 to 1858. In the first the lawmakers were subject to various national statutes that served as a quasi constitution and to the somewhat dim, uncertain and distant supervision of Congress; in the second period they were

restricted only by the restrictions of the supreme statute set above and roundabout them by the people themselves. But while there was a fundamental change in the political status of the sovereign power and in the jurisdiction of the law-making bodies we shall find no marked change in the character of the legislation in the two periods prior to 1858, although there begin to appear in the second period signs of the changes in the direction of legislative regulations that became prominent from 1860 down.

In many respects the legislature was much less restricted during the first twenty years than subsequently. In matters of local, and special or individual concern there were but few limitations on the power of the territorial legislature to pass acts benefiting or adversely affecting localities, particular interests, corporations or persons. Under the provisions of the "Organic Law" creating the territory the legislature was given power over "all rightful subjects of legislation"—a grant of power world-wide in its scope. Under the first constitution special legislation respecting business corporations was prohibited. Banks of note-issuing power were prohibited. Another fact of great importance in explaining the drift of early legislation in these two periods is that Iowa was in the pioneer and formative stage of her history. Travel and traffic were primitive. Commercial and industrial interests did not begin to exert upon the life of the people a positive influence that compelled much legislative attention until after 1850. So that if the golden age of laws, as well as of manners and morals, lies in the past the special virtues engendered by pioneer conditions must become apparent in the superiority of the laws enacted.


One does not of course comprehend the entire body of laws that regulate men's relations and conduct in society in studying the formal enactments of the legislature. Besides the vast and complex mass of rules known as the common law which we inherited along with our governmental institutions from England, we have the extensive additions

made thereto by our courts of law whose rulings and decisions affecting innumerable relations of life, not specifically regulated by statute, constitute a body of law fully equal in importance, if not in bulk, to that of statutory law. But in addition to all this we should still have the laws of our national government and the decisions of our federal judiciary to consider, before we could compare the laws governing our citizens and institutions. This, however, is to be observed of statutory laws. They conspicuously represent the direct and conscious expressions of public policy and determination. What is designated as "Judge made" law, while no less authoritative or influential, develops in a manner wholly different from legislation. The rulings of courts come unannounced and unexpected; they enter into the popular consciousness and the people adjust themselves to them, whereas in legislation, social, economic or political conditions resulting in mal-adjustments first produce popular demands and in full consciousness of the need for better regulation, legislation follows in response.

Before plunging into the midst of things a preliminary caveat may here be given. The writer does not delude himself with the notion that it is easy, or indeed possible, completely to indicate the nature of legislative enactments by statistical exhibits and comparisons. The real significance of a legislative measure often cannot be even surmised from its provisions because its enactment may have been the feeble outcome of fierce factional strife or the pretense of shrewd men, who, for political reasons divert and delude the public by skillful manipulation of words and by parliamentary maneuvers; while on the other hand a compromise may be forced by an aggressive minority, or by insurgent forces in the dominant political party threatening secession and union with the minority party, that means the initiation of important modifications in the nature of laws and of public policy—yet but little of this can be successfully shown in statistical exhibits. Moreover the main interest of the

people during legislative sessions generally centres about one or two measures urged or pending. Their passage or attempts thereat absorbs the major portion of general legislative thought and activity particularly if they happen to be measures that develop sharp divergence in partisan interests. The multitude of measures that are put through and which constitute the regular routine work of the legislature attract but little attention. Such a study as the writer has ventured upon must perforce be concerned wholly with the chief characteristics of the laws, not with a comprehensive consideration and comparison in detail of all the provisions of acts. This restriction, while it is a serious limitation does not prevent us from so classifying and presenting the laws as to make manifest their general character, their predominant tendencies and most of their peculiarities. It is only when we view legislative activities in the aggregate, when we realize their mass and general composition that we can really know the drift of legislation. Extraordinary circumstances that may give prominence to one or two measures in a legislative session do not necessarily indicate the vast fundamental interests and common needs of the public or the general necessities of governmental administration, the consideration of which constitutes the main task of legislation. The main lines of such developments can only be perceived when we contemplate the items or units of the aggregate, classified under logical schedules that show the co-relations of legislative enactments.

If one would fully understand the significance of legislation in such a commonwealth as Iowa he must appreciate the social, industrial, religious and political conditions and atmosphere that surround and animate the lawmakers who enact its provisions. For in the physical environment and economic life, in the social and political inheritance of the people such as the ideas and institutions that they have brought with them into the State or that have developed in the course of the State's history, in these we find what the



metaphysicians would call the "efficient causes" that produce the political demands that materialize in legislative regulations of the people's affairs. In short we should be familiar with what we may call the social psychology of the people. Here one may find an exceedingly interesting and instructive field for investigation in the fusion of race elements and in the conflict of various political, social and economic interests of the various classes that settled in the State in its formative period.\* Another preliminary investigation that would afford us much instructive data, would be a study of the character of the men who made up the assemblies with respect to the nature of their general education and their occupations or pursuits prior to and during their membership. Their ordinary interests in life, their occupations and associations determine largely their "state of mind" towards political questions which is the all important thing in politics and legislation. Another matter of great consequence in explaining the character of our laws that usually is not much thought of in popular discussion, is the parliamentary methods that prevail in legislative proceedings. The influence of the procedure in the drafting of proposed laws and in the consideration of their provisions and the wisdom of their enactments is at once subtle and potent; and in these respects American state legislatures are behindhand. Especially do they fall short as regards thoroughgoing examination of projected laws and vigorous revision during the various stages of passage with a view to precision and their harmony with existing laws. Needless to say this has resulted in much ill considered legislation that entails both redundancy in laws and a vast amount of judicial execution of invalid statutes.†

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\*The writer has already pointed out some of the main lines of social and political development that must be taken into account in explaining the course of legislation prior to 1858 in an article in these pages entitled, "The Transfusion of Political Ideas and Institutions in Iowa" (ANNALS OF IOWA, vol. vi, pp. 46-54).

†The writer has dealt at some length with legislative procedure in Iowa as it affects the State's budget and finance in his studies of "Institutional Expenditures in the State Budgets of Iowa," published in the *Bulletin* of the Board of Control in

But we shall not now enter upon any of these interesting phases of the subject. We shall deal here first with the bulk of the legislation projected and actually accomplished, and second with the character of the laws passed during the two periods covered.

## II.

The membership of the territorial legislature remained throughout, 13 in the Council or upper house and 26 in the House of Representatives. By the act creating the territory, sessions of the legislature were annual and the length of the session was limited to 75 days. At first the governor was given the power of absolute veto, the chambers being unable to pass bills over his adverse action by subsequent votes.\* Under the first State constitution the General Assembly, as it was and is now designated, met biennially. The governor's veto could be overcome by reconsideration and a two-thirds vote. Prior to 1858 the membership of the lower house ranged from 39 to 72, and that of the Senate from 19 to 36. There was no limitation on the length of session except indirectly. The compensation of the members was limited to two dollars per day for a period of 50 days. If lawmakers were all philosophers and savants this limitation might not have interfered with prolonged deliberation if the public needs called for it, but with average men who for the most part were elected it may be presumed that the short allowance in remuneration tended decidedly to short sessions.

Our understanding of the laws actually enacted would be greatly enhanced if we could analyze the character and know the fate of the numerous bills introduced at each session that failed of passage either through neglect or deliberate rejection. But such knowledge is unattainable for the

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1901, 1902 and 1903, especially part V "Legislative supervision and Control of Institutional Expenditures," vol. IV, 437-451, and in particular the section (not yet complete) dealing with "The Preparation and Passage of the Budget," vol. V, 214-237.

\*Governor Lucas was a strict constructionist and his insistent vetoes caused such a serious deadlock that his power of absolute veto was taken away by Congress in 1839.

earlier period of Iowa's history here considered. The originals of bills introduced have not been preserved until 1860, and thereafter until about 1870 the files are incomplete; and the purport of bills can not be discerned always with certainty from their titles. But their number and somewhat of their conclusion we can give.

During the first session of the territorial legislature that convened November 12, 1838, and lasted 54 days, adjourning January 25, 1839, there were 159 bills introduced in the House and 59 in the Council or upper house—a total of 218 laws proposed, or an average per member of five bills. Of these bills 147 were passed by both Houses. Seven bills however, encountered Governor Robert Lucas' veto. The total output was 140 laws. Besides these 12 resolutions were passed that may be regarded as quasi statutes, as for the most part they affected in varying degrees the disposition of funds, the conduct of officials and signified public desire and policy. The percentage of laws passed to bills introduced in that first session reached 64 per cent., the largest proportion reached by any session in the time of the territory. Their bulk in pages—octavo size—all told was 513. This was more than twice the bulk reached by the laws passed by any subsequent legislature until we reach 1850-51, when the code of 1851 caused the grist to bulk big. The book of laws of that first session however, may be regarded more or less as a compilation that approximates a code, although its authors made no pretense to scientific or orderly arrangement other than the primitive alphabetical order. But more of its contents later.

Summarizing briefly the work of the territorial legislature, the average length of their regular session was 51 days or 47 days if we include the two extra sessions in 1840 and in 1844. The number of bills introduced at the sessions ranged from 87 to 215 in the House and from 48 to 152 in the Council.\* In one session there were more bills intro-

\*The figures above contain some of the resolutions and memorials. In some of the sessions the files were not classified and each consecutively numbered as in the journals of the General Assembly.

duced in the Council than in the House, viz: in 1846 when the numbers were 132 and 114 in the respective houses. The proportion of Council bills to House bills ranges from 11 per cent. in the Council, to 89 per cent. in the House, in 1840, to 47 per cent. in the House, and 53 in the Council, in the eighth and last territorial session in 1845-46. As a rule the proportion of bills introduced in the Houses corresponds to the respective membership. The number of bills passed by both Houses ranged from 41 and 18 in the extra sessions, and 71 in regular sessions, to 147, the number passed by the first legislature. Of these Governor Lucas vetoed 12, Governor Chambers 4 and Governor Clarke 3. The bulk of the laws placed upon the statute books varied from 513 pages in the first session down to 14 pages in the extra session in 1844. The percentage of laws passed to bills introduced varied from 16 per cent. to 64 per cent.

In the work of the General Assemblies under the State constitution of 1846 we find about the same amount of legislation attempted and accomplished. The House bills introduced numbered from 144 in the first session to 357 in the sixth Assembly in 1856; while the Senate considered bills aggregating 107 in the third regular session to 253 in the sixth. In the regular sessions the bills passed by both Houses ranged from 104 in the third to 267 in the sixth. Governor Briggs interposed his veto in one instance in 1848. Governor Hempstead objected to 8 bills during the third and fourth Assemblies and vetoed them; while Governor Grimes was adverse to 10 measures presented to him. Sundry resolutions and memorials to congress were also passed. The number of laws passed varied from 112 to 260. Their bulk varies from 204 pages in the first session to 467 in the sixth in 1856. Those of extra sessions were less in amount. The percentage of laws enacted out of the bills introduced was somewhat less on the average than during the territorial government. In the session of 1850-51 the Mason code was considered and adopted, being introduced and passed as one bill; it contained 209 chapters totaling 469 pages. In many



respects it was a reenactment of laws in force, yet in the thoroughgoing revision and codification to which they had been subjected by Judge Mason and his colleagues of the code commission, its chapters constituted new acts of legislation as they were adopted.

Comparing the gross results of legislative efforts in the two periods prior to 1858, the thing most noticeable perhaps is that the same general average, as well as approximately the same aggregate results were attained in each period. Under the territorial government the House considered 1446 bills, and the Council 700; during the State government the House passed upon 1430 and the Senate 996. In the first period 903 bills were passed and 19 were vetoed, and in the second 1053 were passed and 19 overruled by the governors. The mere bulk was 1538 pages for the eight years under the territory and 2336 pages under the first State constitution. The average length of the session was 47 days in the first period and 42 in the second. Forty-four per cent. of the bills introduced became laws in the territory and 42 per cent. under the State government. As there were ten sessions in the first and but eight in the latter period it is apparent that either the lawmakers of the territory were not so anxious to indulge in the art of lawmaking as were their successors in the General Assembly, or the developments in the political, social and industrial or economic life of the people in the territory had not produced conditions that generated such urgent demands for governmental interference and regulation as was the case during the first years of the State government. When we come to analyze the acts of the two periods we shall find but little general difference in the character of the legislation, and the latter conclusion just suggested is probably the one more warranted. In the two tables that follow (I and II) will be found most of the items or data upon which the foregoing is based.

We may now proceed to the analysis of the laws themselves.

TABLE I.  
DATA RELATIVE TO TERRITORIAL LEGISLATION IN IOWA.  
1838-1846.

Session.	1ST		2D		2D EX.		3D		4TH	5TH	6TH	6TH EX.	7TH	8TH	TOTALS
	Nov.	Dec.	Nov.	Dec.	July	Nov.	Nov.	Dec.	Dec.	Dec.	Dec.	June	May	Dec.	
Date convened.....	12	1838	4	1839	13	1840	2	1841	6	1842	4	1844	5	1	
Bills introduced in House.....	159	174	215	147	215	147	149	131	170	131	170	*	87	114	1346
Bills introduced in Council.....	59	48	28	72	28	72	152	87	74	87	74		65	132	717
Total introduced.....	218	222	243	219	243	219	301	218	214	218	214		152	246	2,063
Proportion House Bills.....	73	79	89	77	89	77	50	61	70	61	70		58	47	66
Proportion Council Bills (%).....	27	21	11	33	50	39	50	39	30	39	30		42	53	34
Bills passed both Houses (%).....	147	99	41	101	129	86	144	18	71	124	18		71	124	903
Bills vetoed by Governor.....	7	4	1	46	2	2	2	2	2	2	2		2	1	19
Laws enacted.....	140	95	40	101	127	84	144	18	69	123	18		69	123	884
Ratio of Laws to Bills (%).....	64	42	16	4	42	38	59	20	45	50	20		45	50	42
Joint Resolutions.....	12	32	4	4	9	10	26	18	26	137	26		18	26	137
Bulk in pages.....	513	199	71	115	126	99	170	14	96	135	14		96	135	1538
Date of adjournment.....	Jan. 25	Jan. 17	Aug. 1	Jan. 15	Feb. 18	Feb. 17	Feb. 16	.....	June 11	Jan. 19	.....		June 11	Jan. 19	
Length of session (days).....	1839	1840	1840	1841	1842	1843	1844	52	54	54	52		1845	1846	744

\*The Journals of the House and Council for the extra session of 1844 seem not to have been printed and the originals could not be found in the office of the Secretary of State.

†Average.

TABLE II.  
DATA RELATIVE TO STATE LEGISLATION IN IOWA.  
1846-1858.

SESSION.	1ST	2D	3D	4TH	5TH	5TH EX.	6TH	TOTALS
	G. A.	G. A.	G. A.	G. A.	G. A.	G. A.	G. A.	
	Nov.	Dec.	Dec.	Dec.	Dec.	July	Dec.	
Date convened.....	30	4	2	6	4	2	1	
	1846	1848	1850	1852	1854	1856	1856	
Bills introduced in House.....	144	72	206	225	184	65	357	1130
Bills introduced in Senate.....	116	51	117	133	186	33	253	996
Total introduced.....	260	123	313	358	360	98	610	2126
Proportion House Bills (%).....	56	59	61	66	63	60	67	59
Proportion Senate Bills (%).....	44	41	39	34	37	50	33	41
Bills passed both Houses.....	125	85	135	104	115	51	267	1058
Bills vetoed by Governor.....	.....	1	.....	5	3	2	1	7
Laws enacted.....	125	84	135	99	112	169	50	260
Ratio of Laws to Bills.....	48	69	45	31	31	45	51	42
Joint Resolutions.....	23	25	40	36	19	39	9	24
Memorials.....	1	8	8	6	3	8	8	4
Bulk in pages.....	204	102	1738	219	299	108	467	2336
	Jan.	Jan.	Feb.	Jan.	Jan.	July	Jan.	
Date of adjournment.....	3	15	5	24	26	16	29	
	1847	1848	1849	1851	1855	1856	1857	
Length of session (days).....	34	22	65	49	53	14	59	142

\*Code of 1851 was introduced and passed as one bill. It contains 209 chapters having 469 pages.

†Average.

## III.

The vital prerequisite in such an investigation as is essayed here, is, of course, the principle or method of classification whereby we indicate the purport of laws. Our schedule must serve both as base line and as transit by which we fix and measure the nature and bearing of legislative enactments.

It is in the formulation of such a schedule that the investigator receives his first important lesson. If he goes about the matter earnestly and resolutely, banishing preconceived notions from his mind, seeks honestly to secure an accurate, impartial and consistent exhibit of the laws, he first becomes oppressed with the almost interminable difficulties in the way of hasty conclusions. He will realize forthwith that such sentiments and opinions as that quoted in the opening sentence of this essay are almost certain to be not merely extremely ill-considered and superficial observations, as a rule, but in the form in which they are usually expressed such assertions are almost, if not quite, non-demonstrable. For even where the weight of presumption inclines in general respects in their favor specific verification is impossible; for partisan declarations and popular opinions in such complex matters are nearly always so indefinite, variable and delphic, and withal inconsistent, that they cannot be either wholly affirmed or completely refuted.

Examine, for instance, the delphic utterance to which reference is made. 'What did the speaker mean, what can one mean by asserting that our legislatures are "chiefly concerned with the rights of property and the privileges and profits of corporations as against the rights of man and of labor?" Are not laws of property at one and the same time laws of man—essential as guarantees of life, liberty and the pursuit of happiness alike for the laborer and for the property holder? The laws that insure a man his wages, that give him a prior lien to insure their receipt, affect and guarantee the laborer's rights of property no less than his rights of

labor. Our law that we have long had on our statute books exempting a man's homestead from execution for his debts affects property and labor or man equally. On one side man or if you please the laborer, is protected from the consequences of misfortune, bad judgment and alack too often his own miscibility; while at the same time another man—who is just as likely to be and usually is a laborer also, as well as a creditor and capitalist, is deprived of his common law right to regain property loaned to his fellow laborer which represents the fruits of the creditor's toil and thrift and saving in years gone by. Take the great mass of legislative regulations affecting business corporations, determining their method of organization, their privileges, powers and conduct, are they not as important to labor as to property owners? Laborers are wage earners in their employ; they put their earnings in the custody of their officials, in bank deposits, in policies of insurance, in investments in their stocks and securities. In short the rights of property are the rights of man and of labor. No rights whatsoever can exist dissociated from man and his larger self, so to speak, the State. The contrary notion is at once a legal impossibility and a logical absurdity.

The truth underlying such sweeping and fallacious assertions as that quoted, is, that those uttering them regard some of the laws and their administration or certain social or economic conditions with disfavor, and they entertain sundry desires and views as to reforms and are anxious to promote their adoption, and greater or less modification in law and in public administration is essential and imperative in their estimation. Often such assertions grow out of the dissatisfaction and dread that result from the frequency of gross perversions, in legislative halls where the representatives of corporate business enterprises are omnipresent, aggressive and persistent, and too often their unscrupulous agents exercise a pernicious influence in seeking legislative favors or in preventing wholesome legislation adverse to the pecuniary

interests of such undertakings, while the interests of the public suffer from inattention and indifference or from clashing views and fruitless attempts at reform.

With the grounds for such criticisms and proposals the present writer is not now concerned although he would not have it inferred that he considers the body of existing laws sufficient and satisfactory or their administration all that may be desired. His immediate concern is the analysis of Iowa's statutory enactments in such wise as to make clear their nature and the lines of their progression.

In such an analysis as is contemplated several objectives may be kept in view although, as we shall see, their attainment is not easy. First and in general, if the analysis and compilation is effective we ought to be able to realize clearly the relative growths of what jurists and codifiers designate as Private and Public laws—that is the growth and character on the one hand of those rules that relate exclusively to the rights and duties of individuals as such, the enforcement of which depends chiefly on individual election or volition, and on the other hand of those regulations and statutes that establish the agencies and institutions of government, outline their province and functions, determine their relations to the citizens and the relations of citizens to government, that define crimes, and create and control those artificial creatures of the State known as corporations and altogether prescribe the procedure whereby all rights and obligations whether private or public are enforced.\* This exposition, if successful, should also enable us to trace the growth of paternalistic and of socialistic legislation as distinct from what may be called individualistic legislation. Coincident with these results the schedule should make apparent the growth and the drift in development of Administrative

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\*The reader with an acute logical faculty may urge and with propriety insist that all law is public law. Private law the Austinian may well say is a misnomer. All rules of conduct that have the force and effect of law in these days at least are declared and their effect invariably announced as well as enforced by public tribunals and officials or by the sovereign lawmaking body, the legislature. The classification followed, however, is serviceable and consistent and "common."



schedules (adopting them almost bodily for the most part in the first general division) as set out in his monumental volumes containing his analysis and classification of our American Statute Law relating to property, persons and corporations.\*

Private laws are those first presented. As the individual, his life and welfare, constitutes the *raison d'être* of the State or of government, gives rise to and comprehends the one great object of corporate agencies or institutions and processes, this order is at once chronological and logical. Private law is presented under two subdivisions—1, Normal law and 2, Abnormal; by the former is designated all that law which relates to normal persons as such; while by the latter is included that body of rules affecting the rights and obligations of juristic "persons" that may be artificial legal concepts or real persons under disability, examples of the two being debtor and creditor and infants or insane.†

Under Normal are classed laws affecting such matters as real property succession, administration, personal property and contracts, and under the second title, Abnormal, are assigned: 1—Contractual relations such as those of debtor and creditor, principal and surety, principal and agent and partnerships, and, 2—Natural relations such as of persons, marriage, divorce, husband and wife, infants and insane. These groups give us somewhat roughly what is often classified as the *law of things* and the *law of persons*. I have varied materially, however, from the authoritative classification here patterned after, in assigning that great body of "Adjective" law, namely, the law prescribing the procedure and processes whereby private persons maintain their "Sub-

\*See *American Statute Law—Persons and Property*, by F. J. Stimson, 1886, Vol. II, Corporations, 1892. See especially Tables of Contents for outlines of schedules.

†See Holland's *Elements*, pp. 133-135. The term "Abnormal" while appropriate and perfectly clear in Professor Holland's exposition is open to the objection that it connotes or suggests that the law designated is in some way "unnatural," "extraordinary," "exceptional" and such like implications. These latter are far from his thought and yet it is likely the average reader first so conceives a law that is labeled "Abnormal."



stantive" rights or secure reparation when they suffer injury and deprivation. Instead of placing such laws under Private Law, I have for reasons which will appear later, classified such acts under the subdivision of public law pertaining to the departments of government.

Under Public Law is classed, of course, all the great mass of rules not included under Private Law. First come laws relating to incorporations; second follow those respecting crimes; and third the laws affecting the organization and conduct of government. The central and dominant thought underlying this division of law is the direct interest of society, of the body politic, of each and every citizen not individually but generally, because of his organic relations with his fellows in his community and state, in the due observance of the rights and obligations here called public and in the due control either immediately or ultimately of all processes and agencies whereby all rights and obligations whatsoever are enforced.

The reasons for so classing laws affecting Incorporations—the creatures of the State—and those defining crimes are obvious. In dealing with laws affecting government, however, I have run athwart the classifications of Professors Holland and Stimson; for herein I include all that body of rules prescribing the procedure of courts and litigants in the maintenance or reparation of rights or in punishing offenders against the criminal laws. These rules, while they comprehend a large amount of adjective law that depends upon the election of private parties whether it shall be invoked or not, are first prescribed by the State or law-making power, whether acting through its supreme legislature or its judiciary and public officials, whether constable, sheriff, justice or jurors summoned by due process executed by agents of the corporate powers in society. There are many perplexities in pursuing this plan but perhaps no less than under the one referred to. The subtitles of the divisions on government, contain the following: 1—Citizen's

Political Status and Civil Rights\* ; 2—Inauguration and Jurisdiction in which such matters as general election laws, terms of office, boundaries and jurisdiction, publication of laws and their effect are included; 3—Organs or Departments of Government, and hereunder are grouped the great bulk of the laws relating to the organization or constitution of the legislature, executive (State and local) and the judiciary (superior and inferior together with the acts affecting their procedure), the militia, highways, registration and statistics, general police and the furtherance of the general welfare in material, intellectual and moral matters; and maintenance under which revenue and taxation and public accounting come. Finally, there is a miscellany in which legalizing acts and special grants are classified.

The legislation of the first twenty years in the several subdivisions in which it is classed, is grouped under two general heads: 1—Permanent and general acts; and 2—Temporary, special, local and private acts. In the first two periods considered, the latter includes only the local and private acts. Temporary acts, such as appropriations for a definite fiscal period are grouped with the general acts as they relate chiefly to general public purposes and not local. This classification, however, is defective. The general and permanent acts should comprehend only the acts continuously in force until formally repealed or modified; and in the classification of the laws passed after 1858 this separation will be made.

One is seriously perplexed frequently to determine the proper disposition of a law. For instance is the attorney general or county attorney, likewise the sheriff, clerk and constable, to be regarded as an executive or judicial officer? Under either they could be classified with propriety. Here I have classed them as officers of the courts. One's greatest

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\*The great array of ordinary civil rights usually thought of are, of course, to be found in the bills of rights contained in the constitution, but constitutional provisions are not considered at all in this essay.

difficulty, however, comes where acts relate to business corporations and to the promotion of the general welfare and in this particular, especially, are the exhibits of the schedule followed inadequate. Thus an act or a chapter in a code provides for the rights or powers of a banking corporation and at the same time it provides for the supervision of such institutions by a State examiner. The latter provision is obviously for the promotion of the general welfare, yet under the plan here pursued, the act is assigned wholly to the division in which laws relating to corporations are shown. The long and the short of the matter is that in classifying great numbers of acts one must be more or less arbitrary in their disposition. Unfortunately as different persons are concerned with or interested in different phases of laws, no two would coincide in their arbitrary assignments and thus each can find grounds for divergent opinion and criticism.

#### IV.

One is tempted to take up and discuss in greater or less detail the peculiarities and virtues of particular laws, but our space prevents any considerable attention to individual acts; and in what follows we shall deal almost entirely with the character and quantity of classes of legislation and with the most conspicuous features and tendencies of the laws enacted and of the manner of making laws prior to 1858.

The laws enacted during the first legislative session in 1838-39 consisted of 87 general acts and of 53 local and private acts. Of this number eight related to private law, two dealing with the law of succession to property, one with contracts and one each with the subjects, debtor and creditor, principal and agent, partnership, marriage and the rights of infants. Thirty-two acts related to business incorporations, of which three were general and 29 special or local. Among the latter number six acts gave private parties the right to erect and maintain dams, 12 gave ferry franchises, two incorporated plank road or turnpike companies; four acts granted manufacturing and commercial

companies the right to do business. Three educational institutions were incorporated. The great bulk of the acts pertains to the constitution and administration of government; 52 general acts and 21 local acts relate to the organization of the general offices or departments, the legislative, executive and judicial branches, to the public domain, highways, the militia; 18 general acts deal with matters of police and the material welfare; one with schools; four with questions of revenue and taxation; and three are miscellaneous acts. In bulk the acts relating to the organization of the courts make the largest showing, 78 pages alone being required for the three acts providing for the courts and the costs of adjudication. The longest single act relates to wills and administration (47 pages with 136 sections); the next deals with crimes (42 pages with 109 sections).

Glancing down through the various classes of laws exhibited in the schedule the noteworthy features of the legislation during the territorial and State periods are briefly:

The total acts dealing with private law reached 85 during the territorial period and 26 under the constitution of 1846; of these 13 related in each period to real property; and six likewise to succession and administration. During the territorial days there were eight general acts dealing with marriage and divorce. One of the special industries, so to speak, of the legislature prior to 1858, was the incorporation of business and other companies by special acts. The territorial legislature passed 42 acts relating to the creation and maintenance of dams, 44 acts respecting ferries. There were eight insurance companies organized; 18 commercial and mercantile companies; 36 academies, lyceums, colleges and "universities," and seven religious organizations were given corporate powers and privileges. The total number relating to incorporations reached 175, of which 10 were general laws and the remainder local or special acts. During the first State period the grand total reached only 50—13 being general

and 67 local statutes. In the second period the majority, as in the first period, relates to dams and ferries. In the prominence of these subjects we may realize the importance of mills to the pioneer citizens and the primitive character of modes of locomotion in the cross country travel.

The most noteworthy fact in connection with the laws affecting corporations passed prior to 1858, is the absence of statutes dealing with financial institutions, such as banks and investment and insurance companies. The business of insurance in those days was still in its infancy and the eight territorial acts referred to above relate entirely to the incorporation or business of particular companies. The business of insurance itself had not attained such a volume or importance as seriously to involve the welfare of any considerable number of people, and there was no general effective popular demand for State regulation until 1856 when the first comprehensive act was passed. With regard to banks on the other hand, Iowa, during the two periods considered, stood conspicuous among the states as a commonwealth without banks with note-issuing powers. The old Miner's bank of Dubuque, the only bank authorized during the territory, had been chartered by the legislature of Wisconsin in 1836, but its career was not one of success and the widespread disasters and demoralization in banking and business following the crisis of 1837 produced a pronounced popular aversion to bank-note issues among the people of Iowa. This antipathy culminated in the absolute prohibition of banks of note-issue in the constitution of 1846. Hence the remarkable absence of laws affecting banks from Iowa's statute books prior to 1858. It was the general dissatisfaction resulting from the lack of adequate banking facilities under the constitution of 1846 that was a potent factor among the causes bringing about the revision of 1857.

There were but ten acts passed before 1846 defining crimes and offenses and providing punishment, and only fifteen were enacted under the State constitution of 1846.

Such acts were passed in five separate sessions during the territory, while all those passed during the first State period were included in the report of the code commission and enacted at the time that code was adopted in 1850-1851. The latter it is to be noted were practically reenactments of previously existing territorial laws defining crimes and imposing punishments.

It is apparent that the great bulk of the lawmaking prior to 1858 related not to property nor to private law nor to the rights and privileges of corporations, but to Government—its establishment, its province and functions, its administration and maintenance. During the territorial government 721 acts out of the 941, or 76.6 per cent., related to government, and during the first years of the State, 1111 out of the 1232, or 90.9 per cent., referred to governmental matters. Or, to put it differently, only 3.7 per cent. of the territorial statutes enacted dealt with private law, but one per cent. with crime and but 18.6 per cent. with the laws affecting business corporations; and in the State period the percentage was less for private laws (2.1 per cent.) and slightly more for crimes (1.2 per cent.) while there was a sharp falling off in the proportion dealing with incorporations, the total number reaching only 80 or 6.4 per cent. of all. Of the total directly relating to corporations, 13 were general and 67 were special or local.

Examining the details we find that the majority of the acts affecting the organization of government relates to local government and to the establishment and procedure of courts. Thus under the territorial government there were 10 general laws defining the work of State offices, and 23 general laws and 111 local acts prescribing the work of county and other local administrative offices. Under the State government the proportion of general laws was somewhat changed. There were 25 affecting State offices and 27 local executive offices. The local acts, however, greatly increased, reaching 280. The organization of the courts called for 45 general

acts and 15 local statutes prior to 1846, and 42 general and 55 local measures between 1846 and 1858; while in the matter of judicial procedure there were enacted during the territory 12 acts prescribing general rules, 34 dealing with civil processes and 14 with criminal procedure, and in the State period there were 32 statutes determining general rules of practice, 49 declaring civil and 58 criminal procedures.

In the first period there were passed eight general laws and 175 local acts dealing with highways and roads, and in the second period there were three general laws and 139 local acts.

The number of laws dealing with matters of police and the general welfare do not constitute a large proportion. Out of the total number enacted prior to 1846 only 44, or 4.6 per cent., related to police regulations, charities and corrections, general trade definitions, the regulation of trades and professions, and the promotion of the general welfare. The amount and the percentage increased to 80 general acts and eight local laws, or 7.1 per cent. between 1846 and 1858. The great majority relates to public health, order and safety, to charities and corrections and to general trade definitions. In the second period the acts dealing with charities and corrections number 22 as against nine in the period of the territory. The care of the blind, the deaf and the insane became matters of public concern about 1850 and we perceive the effect of public agitation in the statute books.

A similar and more pronounced increase took place in the amount of legislation for promoting the intellectual and moral welfare of the people. Under the territorial government but four acts were passed relating to schools and libraries; while under the State government 37 general laws and six local acts were passed. These were nearly equally divided between the State and local schools. In considering these figures it should not be forgotten that acts relating to fiscal matters, such as funds and appropriations allotted to educational institutions, appear under another title, viz.:

**Maintenance.** Laws affecting education constituted but 0.4 per cent. in the first period and but 3.4 per cent. between 1846 and 1858.

The laws passed dealing with matters of finance, with the custody of funds, the assessment and collection of taxes and with public accounting call for little comment. They consisted of only 44 acts during the territorial period and 113 in the second period. The largest number related to appropriations; and next in order those providing for the care of school funds. Such acts constituted 4.6 per cent. and 9.9 per cent. of all acts passed in the respective periods considered.

One of the most interesting and instructive subdivisions of the schedule is that wherein are shown various and sundry acts, such as those granting legal relief, giving parties special authority to do various acts, changing persons' names, granting divorces and legalization. The total number of such statutes in the first period was seven general laws prescribing procedure in such matters and 112 local or private acts, and in the second, two general acts and 59 private enactments. At the outset these acts dealt with each case separately, but they increased so much in number and in their perplexities that the legislature began rather early to bunch them in omnibus bills. There was of course both economy and politics in this development. When such matters are "pooled" the chances of passage are greatly increased while individual bills would encounter wreck.

The totals given briefly in the foregoing are compactly presented in Table III, in which the number of the various classes of laws are exhibited. The items or the detailed enumeration will be found in the schedule.



TABLE III.  
CLASSES OF LAWS PASSED IN IOWA PRIOR TO 1858.

CLASSES OF LAWS	1838-1846				1846-1858			
	GEN'L	SPEC- IAL	TOTAL	PER CENT.	GEN'L	SPEC- IAL	TOTAL	PER CENT.
Private Laws.....	35	.....	35	3.7	26	.....	26	2.1
Public Laws.....	306	600	906	96.3	558	648	1206	97.9
1. Incorporations.....	10	165	175	18.6	13	67	80	6.4
2. Crimes and offenses .....	10	.....	10	1..	15	.....	15	1.2
3. Government .....	286	435	721	76.6	530	551	1111	90.9
a. Organization .....	199	311	510	54.1	319	488	807	65.8
b. Police and material welfare.....	44	.....	44	4.6	80	8	88	7.1
c. Intellectual and moral welfare.....	4	.....	4	0.4	37	6	43	3.4
d. Maintenance.....	32	12	44	4.6	98	20	118	9.9
e. Miscellaneous .....	7	112	119	12.6	2	59	61	4.9
Grand Total .....	341	600	941	.....	584	648	1232	.....

[The schedule of laws which should follow here will be printed along with the schedule showing the laws passed after 1858 that will appear in a subsequent issue of the ANNALS.]

## V.

A general view of Iowa's territorial and early State legislation discloses several facts that stand out prominently; and before closing we may well consider them briefly. They will become all the more conspicuous and significant when we shall have reviewed the legislation subsequent to the adoption of the constitution of 1857, and can take the long view of the entire range and sweep of our legislative enactments.

The fact that will first attract the lawyer perhaps is the effect of the early legislation on the common law. As regards the primordial rights and obligations of man, his rights of personal liberty, of property and of contract—and the definitions affecting crimes there was but little addition to and not much modification thereof during the first twenty years of the State's legislative history. The pioneers came into Iowa from Southern, Middle and New England states. They brought with them an inheritance of English common law and a stock of political ideas and institutions with which they had been familiar in their ancestral states. The early lawmakers adopted almost *en bloc* the statutes either of Wisconsin and Michigan (whence organically we descend as a political organization), or of other states from which they hailed. These laws were more or less of a kind, at least they were all built up about a common stock;\* and

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\*The history of the beginnings of the statute laws of Iowa is a subject of profound interest; but so far it constitutes practically an undiscovered country. A few excursions have been made within its borders; but no extensive or detailed accounts exist of the ancestry or pedigrees of the important statutes first adopted. See T. L. Cole's "Historical Bibliography of the Statute Law of Iowa" in *Law Bulletin* of the State University of Iowa No. 2. In 1892 Chancellor Emlin McClain, now of Iowa's Supreme Court, in a lecture entitled "Introduction of the Common Law into Iowa," outlined the development of our law governing the ordinary rights of citizens prior to the beginning of Iowa's existence as a separate territory—published in *Iowa Historical Lectures*. Professor B. F. Shambaugh has given us much respecting the beginnings of our constitutional enactments and forms of local government. See his Introductory Notes to sections of his "Documentary Materials," vols. I and II.

As regards the character of the early laws and the manner of their making, accounts are as yet fragmentary. Any one who cares to seek may find some interesting and instructive data in Prof. T. S. Parvin's *Memorabilia*, especially his account of the Administration of Governor Lucas, *ANNALS OF IOWA*, 3rd series, vol. II, 409-437; in Dr. Wm. Salter's writings, such as his "Life of Governor Grimes," and in particu-

while a few additions or rather modifications were made in the laws affecting private persons in the next decade, they suffered no material change until they received the thorough overhauling of Judge Mason and his colleagues of the code commission appointed in 1848, whose codification was accepted and adopted in 1851. But the work of Judge Mason was not that of the lawmaker, he did not add to or modify the statutes. His work was simply the work of the codifier. He assembled under rational categories the miscellaneous provisions of acts scattered here and there in masses of temporary and local acts. He greatly reduced the bulk of the laws by applying the knife vigorously to the luxuriant verbiage of the earlier statutes and brought the parts together in a compilation that legal experts pronounce a work of literary as well as legal art.\* But excepting certain laws affecting trade definitions and beneficial regulations and governmental changes, which we shall consider, we may almost say that the legislature neither added to nor materially altered the ordinary laws affecting persons and property in the legislative enactments prior to 1858.

Another fact that must needs strike the eye as one courses through the early statute books is what we may call the "particularistic" exercise of legislative power. Our theory of popular sovereignty and of the predominance of the lawmaking body in the State presumes or implies necessarily the possession of superior wisdom and ability in the

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lar his address in "Commemoration of the Meeting of the First Legislative Assembly" at Burlington, November 11, 1900, reprinted in the ANNALS, vol. IV, 614-624; in Professor Jesse Macy's "Institutional Beginnings of a Western State," Johns Hopkins University Studies in History (2nd series), also reprinted in ANNALS, vol. III, 321-350; and in Judge Emlin McClain's article on "Charles Mason—Iowa's First Jurist," ANNALS, vol. IV, 595-609.

The writer has previously dealt with some phases of our legal and institutional genealogy; see the article on "The Transfusion of Political Ideas and Institutions," already cited herein and in particular "Iowa's Treasury Deficit in the Light of the Constitutional Debates," ANNALS, vol. III, 631-640, "The Regulation of Trade and Morals by Iowa Town Councils Prior to 1858," Ibid, vol. V, 126-134, "Chapters in Iowa's Financial History," Ibid, 352-373 and 425-446, in "Publicity in Local Finance," Ibid, vol. VI, 129-137 and "Transplanting Iowa's Laws to Oregon," Ibid, 455-463.

\*See Judge McClain's article on Judge Mason already cited.

people's representatives. The theory assumes that the lawmakers are not only competent to do all things and to supervise all things, but that they can do so and in the process of lawmaking and in the regulation of the affairs of their citizens they will regard all matters and do all things with an eye single to the public good—the greatest good to the greatest number—and especially will they resolutely exclude personal feeling, interest or prejudice from their deliberations and actions. This in general was the assumption underlying much of the territorial and early State legislation in Iowa. The power of the legislature extended to “all rightful subjects of legislation,” and the lawmakers undertook to deal not only generally but individually with all manner of subjects, persons and interests. Not only was action taken upon the common and State-wide needs but laws benefiting or adversely affecting particular localities and interests and individuals were freely passed. The incorporation of particular business companies, of towns and counties, of churches and colleges were matters separately and individually dealt with. This particularistic legislation reached its extreme in the granting of divorces and in the changing of the names of private parties and in divers and sundry acts at each session, legalizing innumerable omissions and commissions, and in granting authority to particular individuals to do an endless variety of things.

As suggested, if lawmakers were philosophers and servants they might compass such a mass of complex and conflicting matters with efficiency in their dispatch and with equity in their decisions. But human nature is too weak. The conditions under which a legislature must do its work make impossible careful and impartial consideration of a vast miscellany of local or private interests that press tumultuously upon the members, if there is afforded any opportunity for legislative action thereon. In the first place their consideration interferes constantly and seriously with the primary and practically the chief function of a lawmaking body. A

legislature should concern itself almost entirely with determining the need for general rules of action and in deliberating upon the nature of their provisions defining the rights and duties of citizens, prescribing the province and powers of governmental agencies—and not with the innumerable and endlessly varying problems of practical administration. The intrusion of the latter into legislative proceedings confuses and darkens counsel and invariably clogs the transaction of the legislature's most important work with results that usually issue in more or less perversion, if not corruption. Even now-a-days, when the legislature is narrowly restricted by the bars of a constitutional prohibition against special and local legislation, we know how aggressive and persistent is the invasion of legislative precincts by private and corporate interests seeking governmental benefits in the way of favorable legislation and largess. If now and then we are disturbed by the gross intrusion of the lobby within the halls of the people's General Assembly, what must have been the feelings of the judicious prior to 1858 as they witnessed the clash of city cliques and county clans, of rival business corporations and special interests in hotel lobbies and committee rooms as they severally struggled for legislative consideration. But if such matter-of-fact affairs were disconcerting what sort of a distraction must have been the business of granting divorces! What varied scenes must have been enacted as angry couples faced each other in crowded committee rooms and told their tales of woe, one seeking, the other striving to prevent, the sundering of their matrimonial bonds! What floods of sentiment must have inundated the premises as attorneys appealed to the hearts of the senators and representatives and the sympathetic members under the glow of tender feelings and (with perhaps an eye to the gallery) attacked obdurate members who opposed such petitions! Those who have witnessed the gush of sentiment in recent years in appeals for pardons before legislative committees and the utter rout of reason and common sense in the


debates can easily imagine the varieties in diversion that interfered with the serious work of lawmaking in the first stages of the State's history. In 1843 the evils of granting divorces became so conspicuous that the House of Representatives by resolution condemned the practice, but the "pressure" on the members was too strong and they continued granting them. Governor Chambers has to his credit a vigorous message in which he vetoed an omnibus bill in which 19 discordant families were granted dissolution by legislative decree. But his protest did not avail much until years afterwards when the practice was stopped and the consideration of such matters committed exclusively to judicial tribunals. Our laws and our practical affairs would be still vastly improved if a multitude of matters of like character were thus committed to the courts or to commissions which would act in a judicial manner free from the intervention of partizan bias and personal or corporate interests.

But of the many phases of modern legislation none perhaps is of greater interest and moment to the public than the relative growths of what are commonly called individualistic, paternalistic and socialistic legislation. Society or the State now-a-days employing the enginery of government plays a prominent and ever-increasing part in the life of man. The intrusion of the corporate agencies into his private life and into the common life of the people has become the most noteworthy feature of modern political development. Not a few regard this increase of State interference in man's affairs with alarm; many contemplate it with doubt and much anxiety, while many, perhaps the majority, rejoice in this augmentation of governmental power and in the extension of the State's supervision as a necessary and beneficent development in our collective life. The course of legislation in Iowa in these respects is most interesting and instructive because it has taken place under what we may in somewhat paradoxical language describe as

extraordinarily normal conditions. Here in a region wonderfully fertile, and favorable alike for human habitation and for industry, with a population made up of vigorous pioneers from Southern, Middle and New England states with which later successfully fused sturdy industrious foreign elements, with agriculture in the predominance, yet with commerce, mining and manufactures crowding lustily to the fore, with no immense cities with their evils and problems preponderating in her life, politics and industry (yet with nearly half her population to-day living in cities and towns), with her government, State and local, fairly efficient and economical and for the most part free from the grosser forms of corruption—here in America's Mesopotamia for three-quarters of a century laws have been in the making. The attitude of such a people, under such conditions, towards governmental regulation and control in man's affairs as shown in their laws must needs be at once typical and instructive.

Here again if we would avoid confusion, definitions of terms are expedient, although lack of space prevents any adequate discussion that will anticipate the many erroneous assumptions and conflicting inferences that the terms individualistic, paternalistic and socialistic suggest.

In this essay "individualistic" legislation implies those laws, the aim of which is primarily to define and to guarantee rights and duties as regards personal liberty, property, its inheritance, and contracts, and in consequence to insure citizens against external invasion and internal violence, and against imposition and intimidation together with means for enforcing reparation in damages for injuries done. The general rule or principle sought is the utmost freedom of action for all alike and in the attainment of this condition it is deemed best *laissez faire laissez passer* so long as there results no conflict of interests; and should the latter contingency arise, the interference of the State should go no farther than to insure the rule of equal freedom. The assumption underlying individualistic legislation is, that



individuals know best what they want and need, and that they can and will best secure what they need if they are assured of their fundamental rights of life, liberty and property, and the sanctity of contracts; and when such guarantees are assured, society's interests are thus most effectually promoted. By enforcing this principle we permit free play for the maintenance of what the late Herbert Spencer insisted is the great law of social progress namely the rule of conduct and consequence in a condition of equal freedom. By "paternalistic" legislation is meant that species of State regulation which coerces the individual to do that which the legislature or the dominant majority in society decides is for his good, just as the parent in the exercise of parental authority compels the child for its own sake to observe a certain course of action whether the child would or no. Paternalism collides squarely with man's time-honored prerogative of "making a fool of himself so long as he does not run amuck" in his community. The term "socialistic" signifies laws whose original purpose is to conserve, sometimes in negative fashion but usually in a positive manner, the general or collective interests of citizens by the State's interference and assumption of control and, if needful, the actual conduct of affairs where the free play of individual interests and self-seeking would result adversely to the common interests.

In popular debate there is little discrimination in the use of these terms, and the same is to be observed of much of our academic discussion. This arises partly from proverbial laxity in the use of terms and partly from the inherent difficulties in the way of precise differentiation of the three classes of laws. In politics, laws and government, we can not always present their phenomena in sharply defined categories. We can not set them out, arrange, classify and label them as easily as does the botanist or zoologist the specimens in his museum. In the hurly burly of business and politics, in the practical administration of man's affairs



through the agencies of government, the phenomena of law fuse and confuse, class with class; and seldom is the public heedful of the social significance of the changes resulting. Individualism implies not only negative but positive action on the part of the State in order fully to maintain man's primordial rights. The State is bound not simply to protect him from foreign foes and highwaymen at home but from fraud and imposture. This necessity induces a vast augmentation in governmental functions in the exercise of the "police" power. But this expansion of the State's police function inevitably pushes legislation up to the borders of paternalism and of socialism, and popular logic, little discriminating, compels lawmakers to enter upon regulations and policies that come within the bounds of either class. Thus it is common to protect the public against incompetence and fraud. For instance we require lawyers and physicians to attain a certain modicum of education before they can practice. Those unlicensed we prohibit practicing and thus by short, swift steps our lawmakers, originally staunch individualists for the most part, proceeded in their effort to secure the public against fraud to the ultima of paternalism and deny us the sweet privilege of employing shysters, pettifoggers and quacks to our heart's content and purse's limit. Our common and State schools we inaugurated as socialistic undertakings—because it was assumed that private schools would not afford all the educational facilities that many deemed needful; but while private citizens are not denied the right to educate their children where and how they please, we are in effect with no little rapidity entering upon a career of pure paternalism that is bound at no distant day to develop into the unmitigated communism that Herbert Spencer just fifty years ago prophesied would ensue.\* It is clear that private and public interests do not always coincide, and that wisdom suggests vigorous public supervision and regulation if not control and management in numerous

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\*See his *Social Statics*, pp. 361-362.

instances, as in the preservation game, forests and land parks, and in the control of highways and common carriers. Laws governing such matters may be regarded as merely the exercise of the police power of the State in the furtherance of the general welfare and thus individualistic or they may with equal propriety be pronounced socialistic. Keeping these considerations in mind let us briefly note the general developments in legislation in Iowa prior to 1858.

As we have already seen, the great preponderance of laws in the pioneer days related to the constitution of offices and departments of government and to their administration. Comparatively few dealt with either private law or with crimes. The major portion of the legislation was therefore Administrative or Regulative; and in the main we may say that either would be classed as strictly individualistic in character. Take for example the establishment and control of roads, the regulation of weights and measures and the definitions of fences. These are merely regulative laws that may be considered as exercises of the police power necessary to insure peaceful industry. Many of the acts were designed primarily as positive protective measures—such as the acts relating to prairie fires, public health, order and local decency.

We find, however, various decided developments in both paternalistic and socialistic legislation in the two periods considered. In the former class may be mentioned the regulation of interest rates, the law exempting homesteads from execution for debts, and various beneficial regulations designed to benefit certain classes such as mechanics' liens and various exemptions affecting taxation. Laws relating to poor relief and care of defectives might be so classed but they can be with equal propriety classed as individualistic acts of legislation, designed for the protection of society from classes whose existence constitutes more or less of a menace to social well-being. The most noteworthy paternalistic law passed before 1858 was the act of 1855 for the suppres-

sion of intemperance. An examination of the charters given various cities in the early periods discloses more or less of paternalistic tendencies with respect to morals and trade.\*

In the sense in which the term is used here there were but two notable acts of socialistic legislation during the territorial days, namely, the laws providing for the establishment of the common schools and the act providing for the State library. As I have once before stated, the earliest settlers in Iowa were largely southerners either immediately or remotely. Their theory and practice of government did not go much beyond the "individualistic minimum" of State activity. With them the least government was necessarily the best government. . The demand for socialistic legislation became more pronounced after the adoption of the constitution of 1846, because of the influx of great numbers of immigrants from New England, New York and Pennsylvania, who brought with them recollections of public schools, libraries, and greater or less governmental interference in industry, trade and morals for the promotion of the general social welfare. The effect of their views began to be marked about 1850. The establishment of the common schools was aggressively promoted until the radical reorganization urged by Horace Mann went into effect in 1856. It was after 1846 that the movement for a State University, for State Normal schools, for the education of the deaf and the blind at public expense, got under headway and resulted in legislative establishments and appropriations therefor. During the first State period occurred Iowa's chief and somewhat disastrous socialistic experiment in the promotion of Internal Improvements in the attempt to make the Des Moines river a great inland waterway for commerce. Finally in the latter portion of the period occurred the initial efforts with a view to State encouragement of agriculture, that evolved the institution at Ames and the State Agricultural Society

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\*See the writer's account in "Regulation of Trade and Morals by Iowa Town Councils prior to 1858," already cited.

and the numerous county institutions, with their fairs and institutes and activities for the promotion of agriculture and allied pursuits, that now play a large and growing part not only in the agriculture but in the politics of the State.

These sprouts in paternalistic and socialistic legislation which sprang up in the decade under the constitution of 1846 we shall see grow and spread rapidly and vigorously in the decades following the civil war. We shall find likewise a great increase in the exercise of the State's police power in positive protective measures and in general regulations and definitions of spheres of trade and industrial activity.

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THE NOBLE IOWA HORSE.—The noble horse! The day of his mutilation in Iowa is passed. No longer shall he be made to suffer a thousand deaths while his beauty is being sacrificed upon the altar of commercialism. Both house and senate of the State legislature have passed the bill making the docking of horses in this State a misdemeanor and punishable by a fine of \$100. We congratulate Mrs. Irene Rood, the intelligent and tireless representative of the American Humane association. She has haunted committee rooms, labored with members and driven the sordid emissaries of the market-place from every position which they have assumed. The victory which she has won is but another addition to those achieved in the other states of the union. We congratulate the press of Iowa which responded nobly to the support of this measure. We recall but three papers in the State which undertook to belittle the bill. And, lastly, we congratulate the people of Iowa. Again have they demonstrated through their senators and representatives that while thrift, energy and prosperity may be their dominating characteristics, they are nevertheless ready to respond to every demand which shall be made upon them in behalf of the highest types of civilization. They glory in being in the forefront of every good work.—*Des Moines Daily Capital, March 26, 1904.*

## THE IOWA CORALS.

BY T. E. SAVAGE.

"The earth has gathered to her breast again  
And yet again, the millions that were born  
Of her unnumbered, unremembered tribes."

The corals constitute one of the conspicuous animal groups of ancient as well as modern times. Their beautiful coralla grace every period in which life's records are abundantly preserved. Among the fossils of Iowa few occur in a more perfect state of preservation, and none are possessed of a finer elegance or more delicate beauty than those of her ancient coral forms. At certain horizons coral remains occur in great profusion, and they are widely distributed in many of the strata of the state. Because of the readiness with which the species can be recognized, and on account of the limited range of many of the corals, they furnish to the geologist one of the most satisfactory means of determining the age of the rocks, and of distinguishing the successive geological formations exposed in the state.

Since the greater portion of the rocks which appear at the surface in Iowa belong to the Paleozoic era, all of the fossil corals are old-fashioned forms; types which lived in those far distant ages while yet the continents were small and life was young and the new earth was warmer than it is today. Of course these ancient corals were exclusively marine. Probably, like their modern relatives, they lived at no great depth, in waters that were warm, and free from rapidly accumulating sediments. Fast anchored to the ocean's floor these delicate creatures flourished in the tepid waters of that summer sea, nor ever felt the blighting chill of winter. They grew upon a stony pedestal of their own building and bore aloft a circlet of retractile tentacles by means of which they captured their food. Like other

aquatic animals, they utilized for respiration the oxygen diffused in the water that surrounded them.

Within their watery home these lowly forms found life replete with joy. They never breathed the flower perfumed air, nor felt the gentle wind's caress, nor the soft sunbeam's kiss; but oft the restless waves that hurried back and forth above their beds would pause to fondle them, and, in passing, would leave for them abundant stores of food. As these lowly creatures lived and labored they extracted from the sea water calcium carbonate and with it built ever higher the house on which they grew. This skeleton or corallum is the only portion of the coral with which in the fossil state we have to do.

Some of these ancient corals were simple and independent in their habits of growth. Others lived in colonies which were formed by the incomplete separation of the individuals when increase was effected by cleavage or by budding. The coralla of these colony-forming corals were of various shapes and sizes depending upon the position in which the new buds were produced, and the manner in which the new individuals or corallites continued to grow with respect to one another and to the parent polyp.

In the class Anthozoa, of which the corals are members, there are generally recognized two principal Paleozoic groups, the Tetracoralla and the Hexacoralla. The chief basis of distinction between the fossil members of these two groups is the arrangement of the septa or longitudinally-extending, radiating plates. Between these septa, during the life of the coral, were suspended the folds of the mesenteries which tissue was active in the secretion of the calcareous skeleton.

Among the Tetracoralla the septa in each corallite were disposed in four quadrants in such a manner that the entire number was some multiple of four, and the animal possessed bilateral symmetry. In the members of the Hexacoralla the original septa were usually six in number. As the individ-

uals increased in size, new ones were introduced midway between adjacent septa previously existing in such a manner that the number was always some multiple of six, and the symmetry of the animal was radial. Almost all of the fossil representatives of the Hexacoralla in Iowa belong to the subgroup Tabulata. They are, without exception, compound corals with numerous tabulæ or transverse diaphragms, and but poorly developed septa. The number of septa that were present in each corallite of either of the above groups corresponds with the number of tentacles with which the individual polyp was endowed.

In the rocks of the Ordovician system are preserved the remains of the earliest corals found in the state. In these deposits is encountered the peculiar fossil *Receptaculites oweni* Hall whose coral kinship is uncertain. This form is present in abundance in the rocks of Dubuque and Clayton counties, near the top of the Galena-Trenton stage. In this stage, too, there occurs the closely related species *Ischadites iowensis* Owen. These same rocks, and especially those of the Maquoketa stage in Howard county, contain the remains of *Streptelasma corniculum* Hall, the earliest representative of the true corals known in Iowa. As its specific name implies, this is a simple, horn-shaped form. It belongs to the highly successful family Zaphrentidæ whose members persisted throughout all of the ages of the Paleozoic era.

During a portion of the Silurian period the conditions were much more favorable for the development of coralline life than those of any period that went before. The series of rocks in Iowa which were deposited during this period is known as the Niagara. The beds are almost universally dolomitic, having suffered the change from limestone to dolomite since the sediments were laid down. These resistant ledges weather but slowly. They stand in vertical cliffs and abrupt escarpments bordering all of the larger streams of the area over which the Niagara limestones immediately underlie the drift. (See plate I, figure 1.)



Fig. 1. Ledge of Niagara limestone in Delaware county, showing the cliff-forming tendency of the "Coralline Beds" of the Delaware stage. [Iowa Geological Survey.]



Fig. 2. Exposure of Cedar Valley limestone near Vinton, Iowa. The *acervularia davidsoni* coral reef appears at the top of the exposure.

PLATE I.





The imbedded coral skeletons which were originally built up of calcium carbonate have usually become silicified; the calcareous material of the framework having been completely replaced by silica. In some cases the coral skeleton has been dissolved out of the stony matrix and the fossils now exist only in the form of moulds, a cavity marking the position of the various portions of the original framework.

Professor Calvin\* has shown that the life of this time in Iowa was not uniformly distributed over the sea bottom, but was more or less segregated in colonies. These fortunate areas teemed with a rich and varied population among which, both in number of individuals and the variety of forms, the corals exceeded any other group of animals in that old Niagara sea.

During the Delaware age the Niagara corals attained their maximum development. At this time the *Tetracoralla* were abundant. Near where now stand the towns of Masonville and Monticello there grew the small, solitary *Paleocyclus peracutus* Lonsdale, and the large robust *Zaphrentis stokesi* Edwards & Haime. With the latter were mingled the delicate coralla of *Streptelasma patula* Rominger (plate II, figure 1), *S. spongaxis* Rominger, and *S. calycula* Hall. Of the cup corals there also flourished here in great abundance *Ptychophyllum expansum* Owen (plate II, figures 3, 4), an undescribed species of the same genus, *Amplexus shumardi* Edwards & Haime, and in lesser numbers the smaller form *Cyathophyllum radicula* Rominger. The colony forming members of this family were even more conspicuous. At this time coralla of *Diphyphyllum multicaule* Hall attained a diameter of several feet. The genus *Strombodes* was represented by a number of species among which were *Strombodes mamillare* Owen (plate II, figure 8), *S. gigas* Owen, *S. pentagonus* Goldfuss, and *S. pygmaeus* Rominger. Here also grew occasional coralla of *Cystophorolites major* Rom., and *C. minor* Rom., and more

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\*Calvin: Geology of Delaware county, p. 135.

numerous individuals of *Cystiphyllum niagarens* Hall (plate II, figure 6). The curious little four-sided, pyramid-shaped coral *Goniophyllum pyramidale* Hisinger also lived at this time.

If representatives of the Tetracoralla were present in large numbers in the seas of this age, the members of the Hexacoralla flourished in even greater profusion. The honey-comb corals expanded into a number of species among which *Favosites favosus* Goldfuss (plate II, figure 7) was the largest and most abundant. *F. niagarens* Hall, *F. hispidus* Rominger, and *F. hisingeri* Ed. & H. (plate II, figure 5) were also quite numerous, while *F. alveolaris* Goldfuss and *F. obliquus* Rominger were not rare. The remains of the closely allied species *Alveolites undosus* Miller, *Thecia major* Rom., and *Cladopora laqueata* Rom. were left mingled with those of the above mentioned Favosites. Compound corals differing from Favosites in the fact that the adjacent corallites were united, only at intervals, by hollow connecting processes were *Syringopora verticillata* Goldfuss, *S. tenella* Rominger, *S. fibrata* Rom. (plate II, figure 2) and *S. annulata* Rom. Associated in abundance with the typical corals of this age was the interesting chain-coral *Halysites catenulatus* Linnaeus. In this species the tubular corallites were built in chain-like series and disposed in such a manner as to surround irregular, vacant spaces. Sometimes the colonies were small and the corallites exceedingly tiny and delicate. In other places the coralla of this species attained the remarkable dimensions of several feet, and the individual corallites are many times the diameter of those of the smaller type.

During this time the genus *Heliolites* was represented by the species *H. interstinctus* Linn., *H. megastoma* McCoy, *H. pyriformis* Hall, and *H. subulatus* McCoy. The related species *Plasmopora follis* Edwards & Haime, *Lyellia americana* Ed. & H., and *L. decipiens* Rominger were not less abundant. Among the more distant coral

relatives were present *Cannapora junciformis* Hall, *C. annulata* Nicholson & Hinde, a few species of Stromatoporoids, and the enigmatical fossil *Cerionites dactylioides* Owen.

All of the Niagara corals mentioned above occur in the deposits of the Delaware stage, in the counties of Jones, Dubuque and Delaware. The rocks of this stage are pre-eminently the coral-bearing beds. As these ledges slowly disintegrated under the influence of the air and sun and showers, the hard, silicified coralla which they contained were frequently left in great numbers, free and entire, among the residual cherts and debris that mantle the tops of the cliffs. Few species of corals are encountered in the rocks of the later stages of the Niagara series, and of these the individuals occur only at very rare intervals.

Toward the close of the Niagara epoch there was an upward movement of that part of the earth's crust which embraced what is now the eastern portion of Iowa. This elevation shifted the shore-line further westward over that area, and produced a change in the conditions of sedimentation. The forms of life that peopled the sea during the Devonian period were the lineal descendants of Niagara types. The family features of the Niagara corals can be recognized in the facies of many of the later Devonian species. Under the influence of changing conditions, then as always, the progress of time was marked by migrations as well as the gradual but constant changes in the structure of the living forms. So profoundly were the corals modified that not a single one of the Niagara species persisted in the Devonian strata of Iowa. Even the genera of the Devonian are mostly new.

If the life in the Niagara sea was segregated in particularly favorable localities, it was widely and quite uniformly distributed over the more shallow portions of the ocean's bottom during the time of deposition of the Devonian sediments. At certain horizons corals grew in such abundance that their remains form well marked reefs of coral limestone.

During the Cedar Valley age in Iowa the members of the group *Tetracoralla* reached their highest development. Near the base of the deposits of this age corals are the characteristic fossils. In the counties of Buchanan and Johnson there occur large and beautiful coralla of *Philipsastrea billingsi* Calvin, and the smaller but not less elegant species *Acervularia profunda* Hall (plate III, figure 3). These two species are not excelled in elegance among the fossils the world around. The latter species together with *Cystiphyllum americanum* Ed. & Haime (plate II, figure 6), and an undescribed species of *Cyathophyllum* are common near the base of the Cedar Valley limestones. Intermingled with coralla of the above were left the remains of *Favosites placenta* Rominger (plate III, figure 7), *Alveolites goldfussi* Billings (plate III, figure 4) and *Cladopora magna* Hall. A few feet above the zone of *Acervularia profunda* the simple coralla of *Aulocophyllum princeps* Hall and the larger species *Cyathophyllum robustum* Hall are abundant in some localities. From fifteen to twenty feet above the base of the Cedar Valley stage, and only a few feet above the zone of *Acervularia profunda*, the *Acervularia davidsoni* coral reef is encountered. The development of the reef is constant at this horizon from Howard county in the north to Muscatine county in the south. It outcrops in practically all of the counties that are touched by the winding channel of the Cedar river. The zone is so conspicuous and the contained coral species are so readily recognized that it makes the correlation of the layers of Devonian rocks in these counties comparatively easy.

Among the corals whose remains were left promiscuously intermingled in this coral reef, large and beautiful coralla of *Acervularia davidsoni* Ed. & Haime (plate III, figure 8) occur in great abundance. Indeed, the remains of the above species predominate in this zone to such an extent that the horizon is referred to in the geological literature of

the state as the *Acervularia davidsoni* coral reef. (See plate I, figure 2.) This reef is well exposed near Iowa City, Shellsburg, Vinton, Independence, Littleton, Waterloo, and at many other points in that portion of the state in which the rocks of Cedar Valley age appear at the surface.

In this zone the simple coralla of *Ptychophyllum versiforme* Hall (plate III, figure 1), *Heliophyllum halli* Ed. & Haime (plate III, figure 2), *Cystiphyllum americanum* Ed. & H. (plate III, figure 6), and *C. conifolle* Hall are numerous. With the above forms there are present of the Hexacoralla, *Favosites alpenensis* Winchell (plate III, figure 9), *F. emmonsii* Rominger, *Cladopora iowensis* Owen, and an undetermined species of *Pachypora*.

In addition to the corals enumerated above, and which are almost universally present at this horizon, there occur in the bed of a small stream near Littleton, in Buchanan county, *Acervularia profunda* Hall, an undescribed species of *Chonophyllum*, two undetermined species of *Favosites*, *Cladopora dichotoma* Hall, *C. palmata* H. & W., and *C. prolifica* Hall. There are also found here two undescribed species of *Syringopora* and several species of *Stromatopora*. This exposure near Littleton is one of the best coral-collecting grounds in the state. The coralla have weathered out, clean and perfect, from the soft shaly material in which they were originally imbedded, and pave the bottom of a small stream for a distance of several rods.

At no great distance from the coral reef there are encountered, in some localities, coralla of *Craspedophyllum strictum* Edwards & Haime, and *Alveolites roemeri* Billings.

In the white limestone near the top of the Cedar Valley stage there occurs a reef composed largely of masses of Stromatoporoids. This coral zone has a greater thickness, and is scarcely less extensive than that of the *Acervularia davidsoni* reef at a lower horizon. It outcrops in the counties of Worth, Mitchell, Cerro Gordo, Floyd, Blackhawk,

Benton, Johnson and others over the Devonian area. The forms whose skeletons make up this bed mostly belong to the group Hydrozoa. They include species of *Idiostroma*, *Actinostroma*, *Stromatoporella* and *Stromatopora*.

During the Lime Creek age, which succeeded the Cedar Valley, that portion of the Paleozoic sea which included what is now Floyd and Cerro Gordo counties supported a rich variety of coral life. Modified descendants of *Acervularia davidsoni* persisted at this time in the species *Acervularia inequalis* Hall & Whitfield. With this type were associated beautiful compound coralla of *Pachyphyllum woodmani* White (plate III, figure 5), and the small solitary species *P. solitarium* Hall & Whitfield, and *Campophyllum nanum* Hall & Whitfield. *Ptychophyllum ellipticum* H. & W., *Cyathophyllum solidum* H. & W., and *Cystiphyllum mundulum* H. & W. were the later Devonian representatives of the species of these genera that flourished during the Cedar Valley age. *Strombodes johannis* H. & W., and *S. multiradiatum* H. & W. also left their remains in the soft shales of the Lime Creek stage together with those of *Alveolites rockfordensis* H. & W., *Aulopora iowensis* H. & W., and *A. sarivadum* H. & W. Among the coralloid Hydrozoa there were present species of *Idiostroma*, *Stromatoporella incrustans* H. & W., *S. solidula* H. & W., and *Parallelopora planulata* H. & W.

Before the close of the Devonian period the corals began to decline and they never again occurred in such variety and abundance in the ancient mediterranean sea whose waters washed the shores of Iowa. In the later portion of the Devonian system there is a long break in the continuity of deposition recorded in the rocks of our state. The Upper Devonian series is represented in Iowa by the rocks of the State Quarry stage. Of these there are known to be preserved only a few small, disconnected areas in Johnson county. These isolated beds occupy depressions formed by erosion in the limestones of Cedar Valley age. They have yielded few well preserved coral remains.

In the rocks of the Lower Carboniferous series, which generally succeed those of the Middle Devonian in Iowa, there is another abrupt change in the coral species which are encountered. The Carboniferous period supported no crowded seas which teemed with coral life, nor do there occur within our state any reefs of coral remains in the rocks of this later system. The deposits of the Augusta stage are best developed in the region embraced by the counties of Henry, Van Buren, Lee, Des Moines and Louisa. During this time the members of the group *Tetracoralla* greatly predominated. The old-fashioned types of the *Hexacoralla* had waned almost to extinction. Of the representatives of the former group there were present at different points over the above mentioned area the short, simple coral *Hadrophyllum glans* White, together with several species of *Zaphrentis*, including: *Zaphrentis centralis* Worthen, *Z. dalei* Edwards & Haime (plate IV, figure 4), *Z. elliptica* White, *Z. illinoisensis* Worthen, *Z. spergenensis* Worthen, *Z. varsoviensis* Worthen, and *Z. calceola* White & Whitfield. Besides the above there flourished *Amplexus fragilis* White & St. John, and *A. blairi* Miller; corals which differed from *Zaphrentis* in bearing more highly developed tabulæ and shorter septa.

Among the *Hexacoralla* this age produced the curious coral *Palaeacis obtusa* Meek & Worthen, *Striatopora carbonaria* White, *Aulopora gracilis* Keyes and a species of *Syringopora*.

During the Saint Louis age, which succeeded the Augusta, there lived the largest and most elegant compound coral which the Carboniferous period produced, *Lithostrotion canadense* Castlenau (plate IV, figure 5). This beautiful form marks a definite horizon in the rocks near the base of the Saint Louis stage. The large compound coralla of this species are usually found silicified. They occur in masses from a few inches to several feet in diameter, the largest of which frequently weigh several hundred pounds.



They are found in great abundance near the towns of Salem and Mount Pleasant, in Henry county. In some localities, notably near Winfield, this compact form gives place to a less closely-growing species, *L. proliferum* Hall. Associated with the latter there grew in abundance a small, slender coral the surface of which was beset with spines, *Zaphrentis spinulosa* Edwards & Haime. Near the close of this age in Iowa the latter species of *Zaphrentis* was replaced by a larger type which was much more widely distributed, *Z. pellaensis* Worthen (plate IV, figures 1 and 2).

The only known representative of the Hexacoralla which flourished in Iowa during this age was an undescribed species of *Syringopora*.

With the advent of the Upper Carboniferous series the coral fauna had still more perceptibly waned both as regards numbers and the size of the coralla. The deposits of this epoch are encountered over an area, triangular in shape, the apex of which is formed by Webster county and the base by the southern border of the State. During the Missourian age there grew of the Tetracoralla the small simple species *Acrophyllum rude* White & St. John, and *Lophophyllum proliferum* McChesney, and the much larger form, *Campophyllum torquin* Owen (plate IV, figure 3). The members of the Hexacoralla were represented by *Michelinia eugeneae* White, and a species of *Syringopora*.

With the close of the Paleozoic era the types of corals which constitute the ancient Tetracoralla passed away. During succeeding ages the descendants of some of these forms became more and more modified until their line seems to have culminated in the group *Aporosa* of the modern Hexacoralla, which is represented by the reef building corals of the present day.

The old-fashioned Tabulata of the Hexacoralla, whose members formed so conspicuous a part of the coral life in the Paleozoic seas, have long since disappeared and left no modern progeny.



PLATE II.

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24307

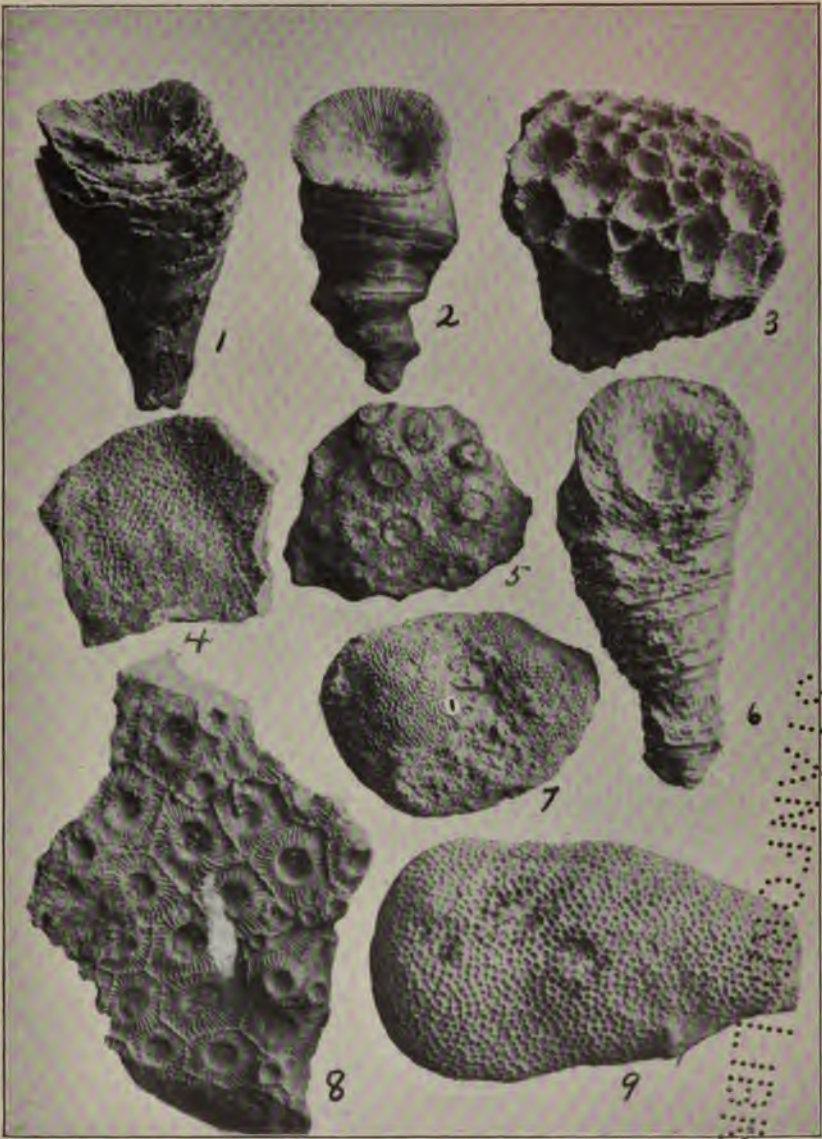


PLATE III.

2450

792





PLATE IV.

2020

These coral skeletons are more than curious relics of ages long removed. They are freighted with the story of the past and vocal with a message to the present. They tell us of time's lapses inconceivable. They show us many of the forms that have appeared and played their part upon life's stage, and disappeared beneath the dim horizon of the past. They witness to the plastic nature of life's substance, and to the laws of adaptation and growth which govern all its creatures. They disclose the massive masonry on which our state is built, whose giant courses were laid deep on the ocean's floor. They constitute some of the letters by which is spelled out the varied and eventful story of the earth and of its life. They help to make intelligible the past, and to reveal the meaning of the present, and thus in no mean measure they contribute to the intellectual life of man.

## EXPLANATION OF PLATE II.

*Types of Niagara Corals.*

- Fig. 1. *Streptelasma patula* Rominger.
- Fig. 2. *Syringopora fibrata* Rominger.
- Figs. 3 and 4. *Ptychophyllum expansum* Owen.
- Fig. 5. *Favosites hisingeri* Edwards and Haime.
- Fig. 6. *Cystiphyllum niagarense* Hall.
- Fig. 7. *Favosites favosus* Goldfuss.
- Fig. 8. *Strombodes mamillare* Owen.

## EXPLANATION OF PLATE III.

*Types of Devonian Corals.*

- Fig. 1. *Ptychophyllum versiforme* Hall.
- Fig. 2. *Heliophyllum halli* Edwards and Haime.
- Fig. 3. *Acervularia profunda* Hall.
- Fig. 4. *Alveolites goldfussi* Billings.
- Fig. 5. *Pachyphyllum woodmani* White.
- Fig. 6. *Cystiphyllum americanum* Edwards and Haime.
- Fig. 7. *Favosites placenta* Rominger.
- Fig. 8. *Acervularia davidsoni* Edwards and Haime.
- Fig. 9. *Favosites alpenensis* Winchell.

NOTE: The individuals from which figures 2, 6 and 7 were photographed were not collected in Iowa, but these species are not rare in the state.

## EXPLANATION OF PLATE IV.

*Types of Carboniferous Corals.*

- Figs. 1 and 2. *Zaphrentis pellaensis* Worthen.
- Fig. 3. *Campophyllum torquin* Owen.
- Fig. 4. *Zaphrentis dalei* Edwards and Haime.
- Fig. 5. *Lithostrotion canadense* Castlenau.



## PIONEER PERILS.

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### II.

#### THE CEDAR RIVER GANG OF OUTLAWS BROKEN UP—MRS. JOHN WEARE AND THE WOUNDED OUTLAW CHIEF—AN INCIDENT OF THE FORTIES.

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The great immigration of 1849 was preceded by a period of outlawry which compelled Iowa citizens and property owners to organize in defense of their lives and property. The men who made up such organizations were everywhere known by the significant term "Regulators." The findings of the improvised court of Judge Lynch were by common consent exempt from appeal.

In the memorial volume of the late William Williams Walker, dedicated to the memory of John Weare, a pioneer of Cedar Rapids, from which extract was made in the July issue of *THE ANNALS*, occurs an interesting incident which throws a strong side-light upon the period of outlawry immediately preceding the tidal wave of immigration that set in three years after the territory of Iowa became a State. Following his custom the biographer lets Mr. Weare tell his own story in his own excellent way, which story, somewhat condensed, is as follows:

J. B.

All winter, it had been evident that we had in our midst some persons who were giving aid and comfort to the outlaws; but we were not able to identify them or put a stop to their work. In the spring, one of the "Regulators" joined the outlaws, and so learned that a party on a certain night would pass Cedar Rapids, conveying a large amount of stolen goods to their cave on the bank of the Cedar River, at the point known as "The Palisades." Plans were made by the Regulators to intercept this company, on their way through Cedar Rapids, capture the goods and the thieves and bring them to justice. We greatly desired to secure their leader, a desperate Missourian. The Regulators were stationed along the road where the outlaws were expected to pass. When the band stole into the guarded road, at a given signal they were surrounded, and nearly captured; but they fought like tigers. In the contest the leader escaped, although he was known to be wounded. All the plunder was seized and most of the outlaws were captured.



MRS. MARTHA PARKHURST WEARE,  
First wife of John Weare. From a daguerreotype in possession of  
Mrs. Weare's daughter, Mrs. W. W. Walker.



After seeing the gang lodged in our block house—built for defense from the Indians—I returned home, not more than half satisfied with our night's work. My wife met me at the door with the information that one of the Regulators from Marion, who had been wounded in the attack, had started home and found himself too weak from loss of blood to go on. Knowing mine was the house of a friend, he sought its shelter, and had gone to bed in our room. I made haste to go to the man, wondering who he could be. By the "Law Harry!" there lay, in my own bed the leader of the outlaws!

It swept over me in a moment, his whole audacious plan. When he knew how badly he was wounded, he made straight for my house, knowing I was not at home, and that any sufferer had but to let his sufferings be known to my wife and he would have a friend. I was greatly enraged with him, but my wife pleaded for him. She knew he would be hung by the Regulators. With all this in mind I spoke to him. He answered and, looking me straight in the eye, said, "John, you're not the man to strike even a dog when he's down."

I went right out and called a physician, and my wife, the doctor, and I took the best care we could of him. He died the next night. The doctor got a coffin from a cabinet-maker, telling him he wanted it for a woman who had died up the river, and would take it himself. In the dark of the early morning hours he brought the coffin to our house, and we put the body and all the belongings, excepting the gun and a few valuables, into it. Doctor and I drove to the little burying ground, on the way to Vinton, and dug a grave in a corner of it and covered it with brush.

These facts remained a secret for many years. I afterwards gave the gun and other valuables to the son and daughter of this man, and went with them to the place where we laid him. I think the earth has never been disturbed in that spot, and not a few persons wonder how he could have vanished and never left any trace of himself.

# ANNALS OF IOWA.

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## EDITORIAL DEPARTMENT.

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### GENERAL FITZ HENRY WARREN.

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Hon. Edward H. Stiles, sometime reporter of the decisions of the Supreme Court of the State, presents his recollections of this distinguished statesman and soldier in this number of *THE ANNALS*. He revives almost forgotten memories in a way that is very interesting reading. Throughout the fifties, and well into the sixties, Gen. Fitz Henry Warren was one of the best known and most distinguished Iowans aside from the Congressional delegation and our governors. He was a man of a rare personality, erect, tall, with a soldierly and commanding figure, a striking and handsome presence, whether seen in social life, in the Senate, on the rostrum, or mounted and at the head of his magnificent regiment. Then, he was scholarly, widely learned, a clear, vigorous, incisive and often sarcastic writer, who during his time had no superior, nor, indeed, an equal in Iowa. At the outbreak of the civil war he was a correspondent of *The New York Tribune*, at Washington. As Mr. Stiles so lucidly sets forth, he believed an immediate movement upon Richmond would speedily end the rebellion. Letters and editorials appeared in that great paper with the striking heading—"On to Richmond!" He certainly wrote the letters and doubtless many of the editorials. Finally, the movement was started only to meet with defeat in the battle of Bull Run. As the Union forces were disastrously and ingloriously discomfited, the loyal people of the country felt outraged at the course of *The Tribune*, which seemed to be responsible for precipitating this untoward result. Of this battle Gen. Sherman wrote years afterward that "it was

one of the best-planned battles of the war, and one of the worst fought." It was a case in which some one had to be made a scape-goat. Public opinion pointed to Horace Greeley, editor of *The Tribune*, as the author of the calamity to the Union cause—the name of Fitz Henry Warren not appearing in the correspondence—and rival journalists aided to the best of their ability in "piling up the agony." Although it came to be understood that General Warren represented *The Tribune* in Washington, Mr. Greeley heroically accepted for himself and his journal the fullest measure of responsibility. He wrote, "If I am needed as a scape-goat for all of the military blunders of the past month, so be it."

General Warren was soon relieved from his place on the staff of *The Tribune*. Afterward, in the time of Charles A. Dana, he became an editorial writer on the *New York Daily Sun*. Like his distinguished chief, he wielded a most caustic pen, and many politicians and some statesmen became victims of his withering sarcasm. But these often fierce philippics are now only remembered by those who have survived from that stormy period of our national politics. In the files of *The Tribune* and *Sun* they will be scanned by historians of the future as throwing light upon those times.

As a legislator, General Warren was useful, influential, and highly respected, though he served but a single session in the senate. He "fell from grace" with his party by going over to the support of President Andrew Johnson. After his return from his mission to Guatemala he resided for the most part in the east, leading a very quiet life the remainder of his days. Our fine steel portrait of General Warren originally appeared in Captain Stuart's Iowa Colonels and Regiments.

PRESIDENT JOHNSON'S ACCUSERS AND THE  
"SALARY GRAB" OF 1873.

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On the third ultimo Harper's Weekly contained a striking article entitled, "From the Presidency to the Senate," in which is vividly described Andrew Johnson's return to the Senate of the United States after his tempestuous career as President. The writer is Mr. Julius Chambers (quondam editor of *The New York World*) who seems to have been at once an eye-witness of the dramatic event and a most ardent friend and admirer of President Johnson. His article is largely a series of vicious stabs (albeit picturesquely delivered) at Johnson's enemies and accusers in the then recent impeachment trial. Much of the article we suspect gets within close range of libel—at least, such surely is the case with the following statement which contains a gross imputation upon a distinguished Iowan which is absolutely without shadow of justification:

"The indictment [viz. the articles of impeachment] was prepared," says Mr. Chambers, "by seven partizans, every one of whom, remaining alive and in Congress, afterward participated in fleching \$1,125,000 from the people under the pretext of 'back pay.' "

Let us see. The committee of the House that presented the bill of indictment before the Senate consisted of seven men, most of whom had achieved distinction as members of the House. They were John A. Bingham of Ohio, George S. Boutwell and Benjamin F. Butler of Massachusetts, James F. Wilson of Iowa, Thomas Williams and Thaddeus Stevens of Pennsylvania, and John A. Logan of Illinois. What part did these men play in the passage of the "back pay" appropriation or "salary grab," as it was generally designated?

In the closing days of the 42d Congress in 1873, General Butler of Massachusetts introduced a bill increasing the salaries of the members of Congress from \$5,000 to \$7,500 per annum. This bill, proper enough in itself, had a

“chequered and discreditable career.” Instead of having it referred to the committee on appropriations to which it should have been committed for consideration preliminary to submission to the House for passage, the bill was referred to General Butler’s own committee, that on judiciary. The bill aroused much general criticism—so much that it was soon apparent that it could not be passed on its own merits. Thereupon in the closing hours of the session the friends of the measure resorted to the legislative trick of attaching its provisions as a “rider” to the great budget-bill known as the Executive, Legislative and Judicial appropriation bill. In the course of these proceedings a retroactive clause was added making the salary provision apply not only to future congressmen but to the members of that Congress. In other words, Congress voted itself an increase of pay amounting to \$5,000 for each member—a performance that justly aroused a nation-wide storm of furious criticism and denunciation.

Mr. Chambers is guilty of gross negligence or serious lapses of memory in his sweeping charge that all those who conducted the case against President Johnson were involved in the salary grab. In 1868, not long after the trial, Thaddeus Stevens died. Mr. Williams did not return to Congress after 1869. Geo. S. Boutwell became Secretary of the Treasury March 11, 1869, and continued in that office until March 16, 1873, when he entered the Senate. And our own James F. Wilson retired from Congress in 1869 not to return until his elevation to the Senate in 1882. So that of the seven members of the Johnson committee, Mr. Chambers is in flagrant error as to four. There were but three of its members present and voting in the session of the 42d Congress that passed the Back-Pay bill—Bingham, Butler and Logan. They, however, voted for it. Here it may not be irrelevant for us to note the almost solid chorus of “Noes” that came from Iowa’s delegation, when the famous “rider” was on its passage: Senator James Harlan, “Not



voting"; Senator Geo. G. Wright, "No"; Representative George W. McCrary, "No"; A. R. Cotton, "No"; W. G. Donnan, "No"; M. W. Walden, "No"; F. W. Palmer, "No"; and Jackson Orr, "No." Mr. Wm. G. Donnan, now, as then, an honored citizen of Independence, Iowa, just before the vote was to be taken upon the obnoxious measure, rose in his place and addressing the speaker said, "I ask that the rule be read which prohibits members from voting on a question in which they are interested." The Speaker (Mr. Blaine), with more promptness than logic, declared, "That has no application here whatever." So it seemed. Congress at its next session proceeded forthwith to repeal the law.

It is possible that Mr. Chambers had in mind the members of the House committee on "Reconstruction" that first reported in favor of an impeachment (February 22, 1868), composed of Thaddeus Stevens, Boutwell, Bingham, C. T. Hulburd, John F. Farnsworth, F. C. Beaman, and H. E. Paine. But here again he errs. Except those already considered Farnsworth was the only member present March 3, 1873, and he voted "No." Or Mr. Chambers may have had in mind the committee appointed to draw up the articles of impeachment which consisted of Boutwell, Stevens, Bingham, Wilson of Iowa, Logan, George W. Julian of Indiana, and Hamilton Ward of New York. But here too his memory slips. Neither Mr. Julian nor Mr. Ward took part in the vote on the salary bill for the reason that neither gentleman was in that Congress.

Mr. Chambers makes the oft-repeated mistake of the over zealous. In his laudable desire to defend a friend who suffered sadly at the hands of perverse and fitful fates, he recalls only his virtues and his wrongs. He can see only the defects of his opponents: all of their actions he sees through glasses colored with memory's fond recollections of that friend. The times and the infinite crisscross of men's affairs their crowding and clashing interests and their influence on men's actions he for the time forgets, and to exalt that

friend whom the public had wronged he likewise does wrong to others. It is not necessary to pervert history or overstate or underestimate events to recompense Andrew Johnson or to restore to him his rights and proper place in history. Neither should his advocates forget that Johnson largely brought his troubles on himself.

Andrew Johnson was of gigantic size in mental and moral stature. His large mould was fit for the rough and stormy politics that prevailed in ante-bellum days. When the great cleavage came in 1861 he stepped boldly away from friends and associates and espoused the Union Cause when it took not only physical courage but heroic moral character to keep one's courage to the sticking point. And in the titanic struggle which followed he did his country's cause yeoman service. But as with all strong characters he suffered from the defects of his virtues. His was a nature stubborn, stiff-necked. He could crash through hosts of enemies and scatter them by his terrific onslaught, but he could not deal easily with friends and party workers. Opposition he would beat down by frontal attacks, not dissipate or utilize it by skillful maneuvers as does the tactful politician and statesman. Suddenly put at his country's helm when the seas were tempestuous his irascible temper, his tactless, impolitic conduct and stubborn refusal to pursue diplomatic courses wrecked his own career and almost hurled the ship of state on the rocks.

But all the virtues did not appear with the opposition to President Johnson. The charges against him were not all well considered. The trial was pushed with strange disregard of the defendant's rights and indefensible speed. But the times were out of joint. Passions were hot. The air was surcharged with suspicion and dread and malevolent hate that the turmoil of fratricidal war always engenders. Seen through such a medium, all things, all acts were distorted, mistakes and intentions magnified, minimized, perverted according to one's point of view in the controversies

that split the air. No one in particular was chargeable with the blunders that were made. All were at fault and recriminations now are futile. Let us rejoice rather that the one great mistake was not committed. And here again we of Iowa may well look aloft, because among the clear-eyed men who saw the dangers to the nation in the storms that were raging about them and staunch in their high-minded patriotism stood steadfast against wrong courses was James W. Grimes, the illustrious Senator from Iowa. H.

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#### TERRITORIAL JOURNALS MISSING.

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We do not miss things till we want them. Then we suffer astonishment and aggravation to find that data or documents that we supposed easily accessible are not obtainable. This rather prosaic platitude is suggested by a footnote in Professor Herriott's article on "Legislation in Iowa Prior to 1858" in this number of *THE ANNALS*. At the bottom of his statistical table (No. I), showing the bills introduced in the legislature and the laws passed and vetoed during the days of the territory, he states that the Journals of the Proceedings of the Council and House of Representatives of the Legislature that convened in extra session in July, 1844, are not only unprinted, but what is worse the originals can not be found in the office of the Secretary of State. The fact that the Journals were not printed is not strange. Nor would it be more than an inconvenience to the public and to scholars if the originals were safe and sound among the State's archives. It will be recalled that the Historical Department in 1902 printed for the first time the Journals of the two houses in the special session in 1840. But if the Journals are lost beyond recovery it is a loss of very serious character. So great is it that we are prone to hope that further diligent search will result in the discovery

and restoration of the official journals to their proper place in the files.

It seems needless to emphasize the urgent necessity that always exists for carefully preserving the original papers and all accompanying documents pertaining to the official transactions of each and all departments of government no matter to what office or department or division of government they may relate, whether legislative, judicial or executive, whether State or local. Upon the sanctity and preservation of official records depend, constantly, human life, prosperity and happiness. The efficacy of laws, titles to property, the integrity of families, the assurance of character and reputation to men and women, rest secure only when our public archives contain, safe from fire, rust, mould and disturbance, the official records that show the actions relative thereto, that show the beginnings, development, conditions and guarantees of title to rights. How many laws have been set aside by the courts in recent years because the exhibits of legislative journals have shown that the requirements of the constitution have been ignored or infringed! They have been not a few. Now this means that millions of dollars in property rights, untold human happiness or misery and incalculable disorganization in business and industry, rest upon the due preservation of official records in our public archives.

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#### A FORTHCOMING BOOK.

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Sometime during the remainder of the year a book will be published in Cedar Rapids which will possess much interest to the students of early Iowa and western history. The work will be brought out by the "Ioway Club," an organization of four gentlemen of that city who intend to issue a series of historical publications of which this will be the first. In the main it is a reprint of "Notes on the Wis-

consin Territory, particularly with reference to the Iowa District, or Black Hawk Purchase, by Lieutenant Albert Miller Lea, United States Dragoons. With the Act for Establishing the Territorial Government of Wisconsin with an accurate Map of the District." The author describes this as "a duodecimo little book of forty-five pages, prefaced by a letter commendatory from Gen. [Geo. W.] Jones, of which one thousand copies with the map were put up by my friend H. S. Tanner, to whom I paid thirty-seven and a half cents per copy, and put them on sale at one dollar." He adds, however, that other matters claimed his attention and that their distribution was neglected. One half of the edition was shipped on an Ohio and Mississippi river steamboat and never heard from. Only a few copies reached the west, and for all his labor and expense he avers that he never received one dollar.

It is this little work, issued in the year 1836, that is now to be reprinted. It has long been a scarce book and only met with occasionally in the possession of collectors and historical libraries. It gives a general description of what was then known as "the Iowa District," an area of territory "about 190 miles in length, 50 miles wide near each end, and 40 miles wide near the middle, opposite to Rock Island." Lieut. Lea presents very full information in regard to the soil, climate, general appearance of the country, its products, mines, timber, agriculture, game, population, trade, government, land titles, water courses, towns, roads, etc., etc.

The book will include a biographical sketch of Albert Miller Lea, by his daughter, who now resides at Corsicana, Texas; his highly important official report to the commissioner of the general land office on the southern boundary of the Territory of Iowa; together with notes of his public addresses and extracts from his personal letters. It will be illustrated with his portrait and an engraving of his map, which accompanied the official report. The primitive method of spelling the name of this State was "Ioway."

In one of his letters he states that in making his map he dropped the "y," that being the first appearance of our modern spelling in any publication. It will in future be necessary to refer to his report above mentioned for a correct history of the origin of the boundary dispute between Iowa and Missouri.

The career of Lieut. Albert Lea was a most interesting one. Though he rose to no high distinction, his name will have a permanent place in the early history of Iowa and Minnesota. He was appointed to West Point Military Academy from the State of Tennessee, July 1, 1827, and graduated fifth in his class of thirty-three, July 4, 1831. He was immediately promoted to brevet second lieutenant of the 7th United States Regular Infantry. His first service was on topographical duty from 1831 to 1834, when he joined the 1st Dragoons at Fort Des Moines, No. 1, near the present site of the village of Montrose. That old regiment was then commanded by Col. Henry Dodge. He resigned from the army in 1836. From that time forward his labors were generally in the direction of civil engineering, building railroads, etc., until the outbreak of the civil war, when he joined the southern army. His service as a confederate soldier was in the engineering department, and as commissary of subsistence, and therefore inconspicuous. It was understood that he was disliked by Jefferson Davis, who prevented his promotion and thus left an accomplished officer to duties of mere drudgery. After the rebellion he became city engineer of Galveston, Texas. He was at one time Chief Clerk of the War Department, serving also for a short time as Acting Secretary of War. The record of his life is reasonably full and complete, and will be fully comprised in the forthcoming publication. This book will be printed on hand-made paper and issued only to subscribers, in a limited edition, as an undertaking by a private book club. It will be well for those desiring a copy to enter their subscriptions now with Mr. A. N. Harbert, Cedar Rapids, Iowa.

## CORRESPONDENCE.

## THE SHILOH CONTROVERSY.

MY DEAR SIR:—In compliance with your request to be furnished with a brief statement of the facts with reference to the controversy over the inscriptions to be placed upon the monuments of the 15th and 16th Iowa regiments upon the battlefield of Shiloh I submit the following as showing all the essential facts in the case:

Each member of the Iowa Commission was required to prepare an inscription reciting the service performed by his regiment during the battle, the number of men engaged, the losses sustained, the name of the officer, or officers, who commanded the regiment, and the time and place where they fought the longest and suffered the greatest loss. These inscriptions were to be submitted to the National Commission which reserved the right to revise and correct them, so that they should conform to the official reports on file with the War Department at Washington. I think there were some slight, but unimportant changes made in most, if not all, of the inscriptions originally submitted, and in the case of the 15th and 16th regiments a most radical change was made as to the time those two regiments occupied the positions at and near where their monuments are located. The Commissioners for those two regiments refused to accept the change ordered by the National Commission as not being in accordance with the official reports of Colonels Reid and Chambers on file with the War Department and which had stood unquestioned for over forty years as the history of the service rendered by their regiments in the battle of Shiloh. The inscriptions as changed by the National Commission were submitted to the Secretary of War and by him referred to an officer of the War Department for investigation. The report of this officer sustained the contention of the National Commission, and the inscription they had submitted was approved by the Secretary of War. The Iowa Commission, at this stage in the proceedings, decided to submit the case to Governor Cummins, and through him secure, if possible, a rehearing of the case. The Governor was successful in securing the rehearing, and on the 20th of May, 1904, he presented the case to the National Commission in an exhaustive argument. That Commission after mature deliberation, has again rejected the contention of the 15th and 16th regiments as to the time in which they were engaged. Governor Cummins has again asked for the opportunity to present the matter to the Secretary of War on appeal from the decision of the National Commission, and his request has been granted. Pending the final determination of this controversy the splendid monuments which have been erected by the State of Iowa upon the battlefield of Shiloh cannot be dedicated. They are all fully completed, except those of the 15th and 16th regiments, and they lack only the attaching of the bronze tablets reciting the history of their service in that great battle.

Yours very truly,

HON. CHARLES ALDRICH,  
Des Moines, Iowa.

G. W. CROSLY,  
*Commissioner for 3d Iowa Infantry and  
Secretary of Committee on Dedication  
of Monuments.*

## NOTABLE DEATHS.

JOHN JACKSON SELMAN was born in Franklin county, Alabama, January 17, 1818; he died in Bloomfield, Iowa, September 27, 1904. He grew to manhood on his father's farm, receiving his education at Perryville Institute, near St. Genevieve, Missouri. He began the study of medicine with an older brother, Dr. S. H. Selman, who had settled at Columbus, Indiana. He graduated from the Medical College of Ohio, in 1837, and practiced his profession at Rushville, Indiana, but in 1841 removed to Jackson township, Van Buren county, Iowa. Three years later he migrated to Davis county, and located a land claim three miles west of the present city of Bloomfield. Here he resumed the practice of medicine, in which he continued up to a short period before his death. He attained a wide and enviable reputation as a physician and surgeon. He was the oldest physician in his county and had especially endeared himself to the pioneer people. He was elected a member of the constitutional convention of 1846, of which body he is understood to have been the last survivor. He was elected to the State senate of the First General Assembly, which convened at Iowa City, November 30, 1846. In the classification which obtained at that time he drew the short term of two years. He was re-elected and on December 5, 1848, was chosen president of that body—the office of lieutenant-governor and president of the senate not existing until the adoption of the constitution of 1857. In 1850 he resumed his seat as senator, with the addition of Wayne county to his district. Of his associates in the Senate of 1848, Hon. P. M. Casady of Des Moines is believed to be the last surviving member. In 1848 he was one of the four Iowa Presidential electors and his vote with the others was cast for General Lewis Cass for President of the United States. This last service closed his political career, though he continued throughout his life to take a deep interest in the public affairs of Davis county. Among his personal friends he was always proud to remember James Harlan, George W. Jones, George G. Wright, Gov. W. M. Stone, and War Governor Samuel J. Kirkwood.

JAMES CALLANAN was born in Albany county, New York, October 20, 1820; he died in Des Moines, Iowa, September 26, 1904. The records state that, after a thorough education, he studied law and was admitted to the bar in 1847, and for some years had a large practice in Albany. In 1857 he formed a co-partnership with Col. Schuyler R. Ingham and opened the banking house of Callanan & Ingham in the city of Des Moines. Mr. Ingham was the resident member, Mr. Callanan residing in the east. This firm was continued until 1861, having acquired a large amount of real estate. So much of this property came into his hands through this change that it became necessary for Mr. Callanan to remove to Des Moines, which he did in 1863. From that time until his death he has always taken a deep interest in the welfare of the capital city, aside from being identified with many of its prominent business interests. After the Ingham partnership he was for a time associated with James C. Savery in the purchase and sale of lands and in acquiring titles to many hundreds of acres of swamp lands. It is also stated that he invested largely in tax titles under the revenue law which was passed in 1860. These ventures have always been understood as having been highly profitable. Mr. Callanan was a humane man and a liberal giver to various educational and benevolent enterprises. The Home for the Aged, Callanan College, and the Home for Friendless Children, Des Moines, and Penn College at Oskaloosa, were among the recipients of his bounty. Two or three years ago he accepted the presidency of the Iowa Humane Society. Of this latter distinction he was always especially proud. It is related of him that humane treatment of



birds and dumb animals was one of the most distinguishing characteristics of his later years, and many anecdotes are told of him illustrative of his unvarying tenderness for these objects of his solicitude.

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CHARLES H. LEWIS was born October 17, 1839, at Collins Centre, Erie county, New York; he died at Sioux City, Iowa, September 26, 1904. He came with his parents to Independence, Iowa, where they settled in 1851. The greater portion of his boyhood was spent upon his father's farm and in a furniture factory. At the age of 19 he entered Cornell College, at Mt. Vernon, where he remained until 1862, when he enlisted as a private in Co. H, 27th Iowa Infantry. At the end of his first year he was promoted to Sergeant-Major of his regiment. At the expiration of another year he became First Lieutenant, and was later commissioned as Adjutant of the regiment, in which rank he was mustered out of the service at the close of the war. Upon his return from the army he engaged in merchandizing in Buchanan county, but finally entered the law department of the State University from which he graduated in 1869. He practiced his profession for a short time in Cherokee, Iowa, but in 1870 was nominated for District Attorney of the 4th Judicial District, which then comprised twenty-two counties in the northwestern part of the State. In this capacity he served from 1871 to 1875. At the election in 1874 he was nominated and elected District Judge, his term commencing January 1, 1875. At the end of his first term he was re-elected and chosen again four years later. He thus served twelve years on the bench. At the expiration of his last term of office he resumed the practice of the law in Sioux City, where he resided up to the time of his death. He was a leader in his profession, and well known throughout northwestern Iowa. In a published interview, Craig L. Wright spoke as follows of the deceased jurist: "Personally he was the most lovable of men to those whom he knew well. His character was one of the purest, and mere contact with him left a marked impress. I have always had the highest regard for him as a lawyer and a judge. Before the bar he was stronger in consultation than as an advocate and was one of the most learned men who ever practiced in this State."

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GEORGE R. PEARSONS was born in Bradford, Vermont, August 7, 1830; he died in Fort Dodge, Iowa, July 14, 1904. Mr. Pearsons was one of the best known pioneers in the State, having located in Fort Dodge in 1868. For a large part of his life he was connected with railroads; he helped to construct the Fort Dodge & Fort Ridgley road at an early day, and became its superintendent. He contracted with the government to drain Owl Lake, Humboldt county, and in payment received 3,000 acres of lake bed land. He was elected Mayor of Fort Dodge in 1873 and again in 1890. In 1885 he was appointed Indian Inspector and as such made an enviable record as one who instituted much needed reforms in the Indian agencies and schools. He was father of Mrs. J. P. Dolliver, and brother of Dr. D. K. Pearsons, the Chicago philanthropist.

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JAMES D. BARR was born in Brandenburg, Kentucky, July 13, 1835; he died in Wapello, Iowa, July 9, 1904. He was the pioneer citizen of Wapello, having settled there in 1842 and lived there continuously for over 62 years. He was in newspaper work from 1850 to 1896; and was connected with the first paper published in Louisa county. During the war *The Wapello Republican* owned and published by him, was one of the most radical papers in the State. He afterward, with Thomas N. Ives, founded *The Louisa County Record*. He was a fearless and honest writer and devoted to the best interests of his town and State. He was married in 1857 by Dr. William Salter to Miss Louisa A. Jenkins.

## Historical Department of Iowa.

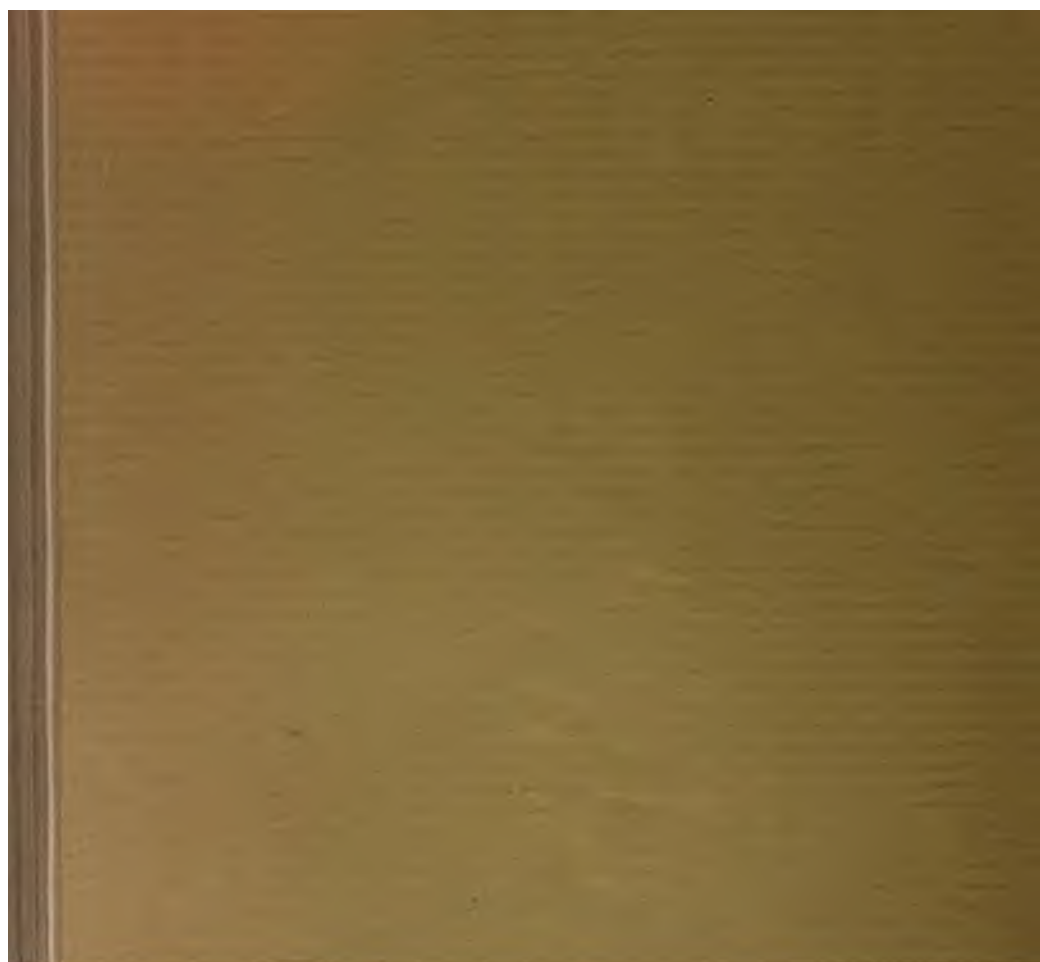
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# ANNALS OF IOWA.

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# ANNALS OF IOWA.

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THE BIRTHPLACE OF GOVERNOR JAMES W. GRIMES, ON HIS FATHER'S FARM,  
NEAR HILLSBOROUGH BRIDGE (DEERING), N. H.

# ANNALS OF IOWA.

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3D SERIES.

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## THE RECENTLY EXTINCT AND VANISHING ANIMALS OF IOWA.

BY PROF. HERBERT OSBORN.

Many factors have conspired to drive the larger animals from the area of this State in much shorter time and more completely than has occurred in most adjacent states or possibly than in any other portion of America. Chief among these, I think, is the fact that there is no waste land in the State, no fastnesses of forest, or mountain or desert, in which they could remain unmolested by the crowding of man. I have many times maintained that there is not a single mile square in the State that can be properly termed waste, no single section utterly unfit for tillage or growth of forest or some crop of value to man. What small areas of swamp originally existed have been or are being rapidly put to use, and little, if any, of this apparently poor area will remain unused.

Certain it is that every nook and corner of the State has been brought under scrutiny and the opportunity cut short for the survival of the larger animals that once roamed unhindered over the grassy plains and through the scanty timber skirting the streams.

It is high time, therefore, that if any history of the departure of these former residents is to be preserved, someone should undertake the task, and while I appreciate the limits of my ability to contribute much to this end, the desire that some start should be made has led me to attempt it after urgent and repeated requests from an old and trusted friend, the editor of *THE ANNALS*. Once started doubtless many of the older settlers can add some accurate records as to the



time of disappearance of certain species in particular parts of the State.

It will be unnecessary to attempt any particular order in what follows, but we may note especially such forms as are undoubtedly extinct within the State and then refer briefly to those now disappearing or on the verge of local extinction.

#### MASTODON.

While the mastodon (*Mastodon americanus*) can hardly be called "recently extinct," unless we speak in the terms of geologic time, it seems proper to mention it here because its remains are so frequently met with in excavations. The enormous size, and in some instances the fine preservation of bones and tusks, makes the discovery of one of the skeletons a matter of wide interest. A number of these skeletons have been unearthed in Iowa, in most cases being found at different levels in the drift or glacial deposits, indicating that they survived well on toward the end of the glacial epoch, if not later.

#### THE PANTHER.

This animal (*Felis concolor*), one of the most ferocious of the North American mammals, undoubtedly ranged through all the wooded parts of the State. Plenty of accounts of its occurrence in early times are to be found, and even if individually they lack corroboration they show in the aggregate abundant basis for the inclusion of the species. I have no means of locating any approximate date for its extinction in the State. Probably some time between the early settlements and 1860 must have seen the departure of these animals as I have never met with any account of their appearance since that time.

In the early days the settlers suffered from their attacks upon cattle, sheep and hogs, and rarely from some onslaught upon children or unarmed individuals; but the most severe encounters must have been occasioned when the savage nature of the animal had been aroused by attack or wound

from a hunter. Stories vary widely as to the courage or ferocity of the animal all the way from making it a cowardly, timid beast, slinking away from the presence of man, to an aggressive, crafty and undaunted fighter. We can readily credit both sides—if not in the extremes at least for wide difference—since these traits certainly varied with the different individuals, and even in the same individual, under stress of hunger, the demands of its young or the fury engendered by conflict.

Certainly it is one of the species most easily spared from the indigenous fauna. Its slim, light gray body, with long slender tail, its glittering eyes and its peculiar cry—said to simulate that of a child—have all been pictured in history and romance in sufficient detail and often with a high degree of accuracy.

The species is still common in the Rocky Mountain region and ranges southward to Patagonia, under different names, but it has probably left this State forever. We readily grant a permanent farewell to this American prince of the family of cats.

#### THE LYNX.

Scant reports of this species (*Lynx canadensis* Desmarest) have been noted since the early settlement of the State, but no records of recent occurrences have come to hand. The species, if present in any locality, must be practically extinct throughout the State. Its ungainly form and the tufted ears make it a well marked species, while its ferocity made it one of the dreaded animals in early days. Its near relative the wild cat, or bob cat (*Felis nefus*), may be found at rare intervals, and it also is probably nearly extinct.

#### THE BUFFALO.

Of the former residents of the State the buffalo (*Bison bison* L.), was undoubtedly the most magnificent and one whose departure from the plains region has caused the most regret. If records were wanting as to its actual occur-

rence within the borders of Iowa, there is abundant evidence in the finding of skulls and other portions of the skeleton to prove its former distribution over this region. These have been discovered at so many different points that it is useless to attempt the record of them all, but instances of their existing in the central part of the State are known to the writer personally.

Just when the last member of the species took its departure across the boundary line of the State for the region further west, or perished in some bog or swamp in the State area, it is impossible to say. In all probability the species was practically extinct within the State some time within the fifties or sixties, but I have been unable to find any record of sufficient definiteness to locate the time within the decade. We know of course that they occurred in large numbers further west in Kansas, Nebraska and in the Dakotas, as late as in the eighties, but they kept well beyond the bounds of permanent settlement. The buffalo represents a family of animals in which it is unique in this country, its nearest relative being the European buffalo or water buffalo of the old world. It is one of the largest of its family, and our species is one of the most magnificent of the group. Some fine specimens are preserved in the National Museum at Washington and in other large collections. A good example of the cow may be seen in the Museum of the State Agricultural college at Ames, Iowa, and numerous heads are exhibited at different places over the State. The species is preserved in a few instances in captivity and it is possible that it may be kept in this condition so as to be available for study in the future. A fine herd may be seen at the New York Zoological Park. A few are still to be seen in their wild state in the National Park and it is to be hoped that their present numbers will be maintained so that the species in the wild state may not be entirely lost. The effort toward crossing this species with the domestic ox has been in some degree successful, and it

is possible that it may be preserved to some extent in this manner as a domestic species.

#### ELK OR WAPITI.

No doubt every frontier boy became familiar with one part at least of this animal (*Cervus canadensis* Erxleben), for its antlers were so widely scattered that they were to be found on almost every section of land and decorated many a settler's cabin. The "elk horns" were of course more numerous than the bearers since the annual shedding should result in many a cast of antlers for every buck that grew to old age in any locality. They disappeared with the deer if not earlier, and have been known for many years only in the straggling specimens kept in parks. They still occur in the Rocky Mountain region, especially in the Yellowstone Park, and other reserves where an effort is made to preserve them.

#### THE VIRGINIA DEER.

This animal (*Odocoileus americanus* Erxleben) was the most abundant of the larger game animals in the State at the time of the early settlements and was of great value as a source of food supply. Its range must have been over a large part of Iowa or at least covering all of the wooded portions and evidences of its occurrence were abundant for many years in the antlers, skulls and portions of skeletons to be found in many places. The numbers of the species have been rapidly depleted by the constant inroads made by hunters and early settlers, and its extinction as a wild animal within the State followed pretty rapidly upon its settlement. As early as the middle sixties it was practically unknown in the central and eastern part of the State, at least in those portions which were sought for settlement. The species probably lingered some time longer through the central and western portion but records of the occurrence are too scanty and indefinite for us to name any date for its final extinction either in particular sections of

the State or for Iowa at large. Since the species does fairly well in confinement it is kept in parks and hence is likely to be preserved indefinitely in a semi-domesticated condition.

#### THE PRAIRIE WOLF.

The peculiar howl of this animal (*Canis latrans* Say) was one of the most familiar sounds around our frontier cabins in the early sixties. The country was settled rapidly and within ten years the animal had practically disappeared from that part of the State. Occasional individuals might have been encountered for some years later, but such few as survived betook themselves to the rough land along the streams, where they were not so frequently molested. A few were taken in the vicinity of Ames in the eighties, one in the year 1887, and a number of young ones captured, I believe, about the year 1890, were reared by a workman on the north farm of the State college. They doubtless occur still in the roughest sections, but must ultimately become extinct within the State unless they adapt themselves like the foxes to the timber belts along the streams.

#### THE TIMBER WOLF.

This species (*Canis nubilis* Say) is larger, stronger and fiercer than the prairie wolf, but in the early days was practically unknown in the prairie portions of the State. It occurred, however, in the heavier timbered areas and is probably yet to be found in small numbers in specially favored places.

#### THE BEAVER.

There are probably a few localities in the State where this magnificent rodent (*Castor canadensis* Kuhl) is still to be found. Once one of the most abundant species, the "beaver dams," being located on almost every one of the smaller streams, the value of its fur has been its doom and the persistent trapper has done his work. I fear that very few of the present generation of school children have ever seen the neatly chiseled stumps that marked the range of its

action or the deftly constructed dams that ensured it a constant level of water in the streams of varying depth.

I know of a small family that existed in Linn county, near Fairfax in 1890, also a family near Dysart, in Tama county, at the same time. I saw their work on a stream near Missouri Valley at about the same time (1891, I think), and some beaver skins were then being bought.

Known occurrences should be put on record, as there can be little question that the species will soon be entirely lost to the State, if not already gone.

#### THE BADGER.

The badger (*Taxidea americana* Bodd), while never an abundant species since the settlement of the State, has apparently grown less and less common till now there are few if any left. I had reports of their occurrence near the central part of Iowa in the early eighties, in very limited numbers, but have had no positive records in later years. In a recent letter Mr. Aldrich says, "The badger is rapidly disappearing." As the animal is of striking appearance its occurrence would pretty surely be noted if common.

#### THE MINK.

This species (*Lutreola vison* Schreber) used to be one of the valuable fur-bearing animals of the State and was much sought by trappers in the early days. Their numbers were much depleted on this account and the species seems never to have regained its former abundance. Very likely scattering individuals may still be found, and it may survive in specially favored localities, but for the State at large it must be counted as practically gone.

#### THE OTTER.

Like the mink and beaver this species (*Lutra canadensis* Schreber), highly prized for its fur, was eagerly sought by trappers, and it became rare even earlier than they. The species was represented in Linn county in some of the smaller streams during the seventies, but no occurrences

have come to my knowledge for probably a quarter of a century. Being quite strictly aquatic in its habits its distribution is confined to streams where there is sufficient protection for it to escape the too close attention of man.

#### THE WILD TURKEY.

This magnificent game bird (*Meleagris gallapavo* L.), a genuine boon to the early settler, was too much prized for immediate use to be allowed any opportunity to survive under ordinary conditions. Possibly there may be some compensation in the thought that we have his lineal descendant preserved for futurity in the domesticated thanksgiving bird. This will however seem rather a poor consolation to the old time hunters who knew the thrill of bringing down a bird of such magnificent proportions. I doubt if any of the wild birds have been found in the State during the last quarter century, as they were swept rapidly out of existence on the advance of settlement. I knew of their occurrence in Linn and Iowa counties in the middle sixties but I think all were gone in that region before 1870. Records of any observations on the species anywhere in this State within the last twenty-five years would be of great interest.\*

In this connection it may be noted that a report on the birds of Ohio just issued speaks of this species as still existing but on the verge of extinction; it has been seen in certain points in that state within ten years. This illustrates the more rapid and complete extinction that has occurred in the prairie State of Iowa.

#### CAROLINA PAROQUET.

This bird (*Conurus carolinensis* L.) is listed as a former resident of Iowa, but here, as in most portions of the United States, it has now become extinct. At just what time this disappearance occurred it is now impossible to say. Its

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\*Prof. Osborn is evidently mistaken in his belief that the wild turkey is extinct in Iowa. Less than a year ago the Museum of the Historical Department received a fine specimen which was killed in the woods in Monroe county. We understand that a few still remain in that region.—Editor of THE ANNALS.

range was doubtless over the southern part of the State only. Like others of its family it was essentially a tropical or subtropical species and its range into Iowa may have been in the nature of straggling from its normal home further south.

#### WILD OR PASSENGER PIGEON.

The last great flight of this bird (*Ectopistes migratorius*) in Iowa was probably about the year 1868 or 1869. I remember the enormous clouds of pigeons that swept across the sky for many days during the spring of one year. Often a continuous flock of them would pass, the line extending as far as the eye could see in either direction and the numbers absolutely beyond calculation. A year or two later, I remember there was another flight of less proportion but from that time on their appearance was less and less frequent. I think no such flight has occurred in the last twenty-five years and even single birds have become quite unknown. This is true of much of the Mississippi valley aside from Iowa and the disappearance has been the occasion for much speculation. We must look for causes outside the State, for no conditions within could account for it. Evidently some wholesale interference with the large rookeries where the flocks were wont to gather must be credited with a disappearance so complete and widespread.

Of the lower forms of animal life, it is hard to say when any particular species has become extinct. New invasions attract attention but the silent departure of the native residents goes unheralded. We may be sure, however, that very many species of insects, molluscs and the lower forms of life have given up their struggle for existence under the changed conditions following the general settlement of the State. Some, of course, persist in out of the way places and may survive for a long period if the native food supply continues. Those which have been most rapidly exterminated are probably those that depended on the native prairie grasses and other vegetation for food, and in less degree, so



far, probably the swamp-living species that perish as a result of the drainage now in vogue.

There is still an opportunity to study little patches of the virgin forest, prairie and swamp yet remaining, to learn facts regarding native fauna that will be counted of priceless worth in years to come. Of course, this knowledge may not seem at present to possess more than intellectual value, but a basis of knowledge is the basis of all economic progress, and we have hosts of instances where the advance in material matters has been founded on facts gathered with no immediate thought of their service in economic lines.

Such exhaustive studies of the animal life of a state as have been carried on in New York for more than a half century and in Illinois for nearly as long have resulted in an accumulation of facts that make it possible to follow the main features of faunal shiftings.

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WHEN I took an oath that "in all things appertaining to the trial of the impeachment of Andrew Johnson I would render impartial justice according to the Constitution and the laws," I became a judge, acting on my own responsibility and accountable only to my conscience and my Maker; and no power could force me to decide in such a case, contrary to my convictions, to suit the requirements of a party, whether that party were composed of my friends or my enemies.—*James W. Grimes, May 26, 1868.*

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WISCONSIN AND IOWA were divorced in June last, and each formed a separate establishment. Wisconsin has 13 counties, and a population of 18,148. Iowa has 16 counties, and a population of 22,859.—*Iowa Sun (Davenport) September 1, 1838.*





*G. L. Cruikshank*

GEORGE L. CRUIKSHANK,  
Early settler (1857) in Fort Dodge. Private soldier and first sergeant in  
Co. A, Eleventh Pennsylvania Cavalry. After the civil war  
a resident of Humboldt County, Iowa.

## FORT DODGE SOLDIERS IN THE EAST.

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BY GEORGE L. CRUIKSHANK.


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Company A, 11th Pennsylvania Cavalry, was organized at Fort Dodge, Iowa, in August, 1861. When the news of the battle of Bull Run was received, a number of young men who had been drilling during the spring and summer resolved to organize a company for the service, and messengers were sent up the Des Moines river as far as Spirit Lake. On the 2d of September the company met at the Court House in Fort Dodge and, before electing its officers, was sworn into the service of the United States by James R. Strow, Justice of the Peace. Franklin A. Stratton was elected captain; G. S. Ringland, first lieutenant; George W. Bassett, second lieutenant. The company went by stage to Cedar Falls and thence by railroad to Dubuque where, on the 21st of September, it was mustered into the United States service by Capt. Washington. It left Dubuque October 6, reaching Washington October 10. One member, Peter Bowers, was lost in a railroad accident near Lewiston, Pennsylvania, where he was buried.

At Washington the company joined the regiment then known as Harlan's Independent Regiment of Light Cavalry. Col. Josiah Harlan was a relative of Senator James Harlan of Iowa, and it was through his influence that Company A joined that regiment. Later, the Secretary of War, finding he had no authority to accept independent regiments, the name was changed to the 11th Pennsylvania Cavalry, Pennsylvania having the largest number of troops in the regiment. On the 16th of October it left camp on 7th street and crossed the Potomac to Ball's Cross Roads, Virginia; in November, marched to Annapolis, Maryland, and thence proceeded to Fortress Monroe, Virginia, by steamer. Here stables were built for the horses and the regiment was thoroughly drilled. While at Camp Hamilton the company

suffered for lack of clothing to such an extent that the men were relieved from regimental duty until they were supplied. On March 8, 1862, when the Merrimac sank the Cumberland and the Congress was burned, the regiment was on picket duty on Newmarket Creek, and on the morning of the 9th saw the beginning of the fight between the Monitor and the Merrimac. The company was under fire for the first time on the old battle ground of Great Bethel, in March, 1862. May 7th, the regiment was reviewed by President Lincoln. On May 15th companies A, E, G, H, and L, were sent to Norfolk, Virginia, and soon after to Suffolk. Company A was detached from the battalion and placed under the immediate orders of Gen. Mansfield. Capt. Stratton was a civil engineer and under the direction of the General made maps of all the routes between Suffolk and the Black Water.

The surveying was done by means of a compass on the pommel of the saddle, and the memoranda of the direction of each course, and the time it took the horse to walk determined the distance. On the return to the camp a map was made of the route. In August the part of the regiment that had been on the Peninsula with McClellan came to Suffolk. December 2d the company was in the mounted charge at Beaver Dam Church in Virginia, where the enemy was routed and a number of prisoners were taken. January 30th, 1863, Company A led the advance in the attack on the Deserted House in which Gen. Pryor was defeated. During the year at Suffolk the command was constantly employed on scouting and outpost duty. In June, 1863, the regiment with other troops was sent by steamer to the White House on the Pamunkey river, and from there to Hanover Court House where a wagon train was captured. At South Anna bridge a mounted charge was made upon an earthwork by companies A and G and the works captured. The object of the raid was to break up the railroad communications north to Richmond. On the expedition Brigadier-General William Henry Fitzhugh Lee was captured.



In July a second expedition under General Getty was made against the Richmond and Manassas railroad. The command returned to Norfolk and on the 9th of August a raid on the Petersburg and Weldon railroad was made. It was hard service and but little was accomplished. In October an expedition went to Matthew's Court House to break up the contraband trade. Soon after, Company A was detached from the regiment and was on provost duty at Norfolk, Virginia.

In February, the company returned to the regiment which was sent to Williamsburg and was on General Wistar's famous expedition to surprise Richmond. They did not get further than Bottom Bridge on the Chickahominy. On the return of the regiment to Williamsburg, Company A was detached and stationed at Gloucester Point, opposite Yorktown.

During the winter General Lee's army was camped on the Rapidan river, and many of his men, especially cavalry, were furloughed for the purpose of recruiting their ranks. At different times during the winter twenty-five of the Gloucester Company were captured. In March, 1864, Gen. Kilpatrick made a raid on Richmond. A part of the command under Colonel Dalghren became separated and while attempting to make their way to our forces at Gloucester Point were ambushed in the night. Col. Dalghren was killed and the command scattered. A sergeant and five men made their way to our camp. A force sent out under Major Wetherill found none of Dalghren's command, but captured one man of the 5th Virginia Cavalry and one from the 9th Virginia Infantry. One of these prisoners had friends in the neighborhood and upon his invitation two men of the company went with him to take supper at his friend's. The host was cordial but was obliged to explain that his larder was empty, and that his family had not flour for their own meal. Prisoner and men were glad to return to camp for supper. During the night an old negro brought in a roasted

chicken for the prisoner. His friend had done what he could.

April 9, 1864, we crossed the York river and marched to Newport News, on the James river, took transports to Portsmouth and were soon at Camp Getty, where the cavalry division under Gen. August V. Kautz was organized. It consisted of the 3d New York, 5th Pennsylvania, 11th Pennsylvania and the First District of Columbia regiments. The last were armed with the Henry repeating rifle, and two guns of the 8th New York Battery were attached to the division. May 5, a beautiful bright spring morning, they moved out of Camp Getty for the last time. Everything in the way of baggage or incumbrance was left behind. The mounted band which was also left was stationed outside the camp, and as the 11th went by was playing "Johnnie Fill Up the Bowl." The march was toward Petersburg, crossing the Black Water river near Wakefield station on the Petersburg and Norfolk railroad. The advance struck the Weldon railroad at Stony Creek station and captured the guard. The next day Jarrett's station with a guard of seventy men was captured. The railroad bridge across the Notoway was burned and companies A and D were sent to destroy a wagon bridge to the left. From there the march was taken to City Point which was in possession of General Butler and his colored troops. On May 11th we crossed the Appomattox at Bermuda Hundred. Raids in which bridges were burned, railroads torn up and much valuable property destroyed were in constant progress, the division sometimes traveling three hundred miles in six days. So constantly were we kept on the move that on the night of June 1, when we reached the lines in front of Petersburg the men took off their clothes to rest for the first time since leaving Camp Getty May 5. The company had had a part in destroying a large amount of railroad track on the Danville, the South Side and the Weldon railroads. Large quantities of government stores were destroyed and the stations at Coalsfield,

Powhatan, Wilson, Weldon, Black and Whites and Jarett's were burned.

At Pittsburg the regiment was dismounted and manned the breastworks, performing infantry duty. On the 9th of June an attack was made on the Jerusalem plank roads. After some artillery fire a charge was made and the lines carried. If General Gilmore had made any attempt to carry out his part by an attack on the east line of the rebel works Petersburg would have been captured. On the 15th of June another attack on the lines of the Norfolk and Petersburg railroad was made. The regiment was under severe fire for some time but failed to carry the works.

On the 21st of June General Kautz's Division again left camp along the breastworks and crossed the Appomattox to Zion's church, where they joined the 3d Division of General Sheridan's Cavalry under General J. H. Wilson in a raid, the object of which was the destruction of the Danville railroad. This road was built in the old style, having wooden rails and flat bar irons spiked on top. The weather was very hot and dry, which made its destruction by fire an easy matter. That the work might be thorough rail fences were piled upon it. For thirty miles not a vestige of railroad remained. The extreme heat of the fire added to that of the sun prostrated a number of the men. After a march in which men and horses suffered severely the command reached the Petersburg and Weldon railroad at Stony Creek station. Here they met a strong rebel force. After sharp skirmishing they marched north to Reams' Station where the rebel infantry with bayonets and our cavalry with sabres came to a hand to hand contest. By outflanking the rebels Gen. Kautz's Division reached our lines at Petersburg that night. The column was led by Col. Stratton, Company A in advance.

General Wilson retreated south and was four days in reaching our lines. After this the 11th Cavalry was on picket duty in Prince George county. They were with



General Hancock in the attack on the Weldon railroad. August 22d, 1864, Company A had one killed and one wounded. The picket duty in Prince George county was hard service. On the 20th of September the members of the original Company A who had not reenlisted were mustered out of the service at General Butler's headquarters on the Appomattox.

On reorganizing the company the officers were taken from the veterans who had reenlisted. The captain was E. P. Ring; first lieutenant, William A. Barber; second lieutenant, Oscar S. Matthews. In October they were with the cavalry in the actions north of the James river. Here Lieut. Barber was wounded and taken prisoner. He died in Richmond. The company was with Gen. Sheridan at Five Forks. In the cavalry charge on the enemy's line Lieut. Matthews was killed. On the memorable 9th of April the 11th Pennsylvania was in the front line. Iowa was represented by the officers in command of the few remaining of grand old Company A.

The regiment was mustered out at Camp Cadwalader, Philadelphia, August 13, 1865. At that time there were but three of the original Iowa company left, Lieut. Lucius L. Carrier, James Lindsay and Oscar S. Slosson.





FRANKLIN A. STRATTON,  
Civil engineer. Resident of Ft. Dodge, Iowa, in 1861. Enlisted in the Company (A) which  
went into the Eleventh Pennsylvania Cavalry. Elected captain, becoming also  
successively major, lieutenant-colonel, colonel and brevet brigadier  
general. Died July 17, 1879.

## ROSTER OF COMPANY A, 11TH PENNSYLVANIA CAVALRY.

NAME	AGE	RESIDENCE	RANK	MUSTERED	REMARKS
Franklin A. Stratton..	29	Fort Dodge....	Captain .....	Sept. 21, 1861	Major, Sept. 1, 1862; Lieut. Col., Sept. 19, 1864; Col., May, 1865; was breveted Brig. Gen. when mustered out. Twice wounded.
Geo. S. Ringland.....	27	Fort Dodge.....	1st Lieut.....	Sept. 21, 1861	Capt., Aug. 20, 1862. Mustered out Sept. 27, 1864.
Geo. W. Bassett .....	34	Fort Dodge.....	2d Lieut.....	Sept. 21, 1861	1st Lieut., Aug. 20, 1862. Wounded at Franklin, Va., Dec. 1862. Resigned Jan. 25, 1863.
John J. Barclay .....	28	Fort Dodge.....	1st Serg't.....	.....	2d Lieut., Aug. 20, 1862; 1st Lieut., Jan. 25, 1863. Wounded and taken prisoner at Reams' Station, Va., June 29, 1864. Mustered out Sept. 28, 1864.
Fletcher A. Blake.....	26	Spirit Lake.....	2d Serg't.....	Sept. 21, 1861	1st Serg't., Aug. 20, 1862; 2d Lieut., Jan. 25, 1863. Resigned Sept. 21, 1863.
Joseph H. Holloway..	23	Fort Dodge.....	Q. M. Serg't....	Sept. 21, 1861	Furloughed Nov., 1863. Died at home.
Chas. A. Sherman ...	31	Fort Dodge.....	2d Serg't.....	Sept. 21, 1861	1st Lieut. and Reg't. Q. M., April 4, 1862. Mustered out April 3, 1865.
G. L. Cruikshank .....	27	Fort Dodge.....	4th Serg't....	Sept. 21, 1861	Q. M. Serg't., 1862; 1st Serg't., Sept. 21, 1863. Mustered out Sept. 20, 1864.
E. D. G. Morgan .....	29	Fort Dodge.....	5th Serg't....	Sept. 21, 1861	2d Lieut., Sept. 21, 1863. Resigned July 7, 1864.
Richard M. Morrell...	...	.....	.....	Sept. 21, 1861	Reduced from non-commissioned staff to the ranks June 1, 1862. Deserted June 24, 1862. Was not an Iowa man.
Wm. Carpenter.....	31	Fort Dodge.....	1st Corporal	Sept. 21, 1861	Mustered out Sept. 20, 1862.
Henry Jenkins.....	26	Estherville.....	2d Corporal	Sept. 21, 1861	Com. Serg't., 1864. Mustered out Sept. 20, 1864.
Geo. Smith .....	26	Fort Dodge.....	3d Corporal	Sept. 21, 1861	Wounded at South Anna Bridge June 25, 1863. Mustered out Sept. 20, 1864.
A. H. Malcolm .....	29	Jamestown .....	4th Corporal	Sept. 21, 1861	Serg't., 1864. Mustered out Sept. 20, 1864.
John N. Minton.....	21	Border Plains .....	5th Corporal	Sept. 21, 1861	Taken prisoner Aug., 1864. Died in prison.
Albert D. Hodge .....	25	Estherville.....	6th Corporal	Sept. 21, 1861	Wounded at Deserted House, Jan. 30, 1863. Mustered out on account of wound.
Jared Fuller .....	40	Fort Dodge.....	7th Corporal	Sept. 21, 1861	Discharged for disability Sept., 1863.

NAME	AGE	RESIDENCE	RANK	MUSTERED	REMARKS
John Fitzgerald.....	19	Fort Dodge.....	8th Corporal	Sept. 21, 1861	Q. M. Serg't., 1864. Mustered out Sept. 20, 1864. Was a member of the 1st Iowa in three months service.
Chas. D. Mack.....	29	Cedar Falls.....	Bugler.....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Webb Vincent.....	19	Fort Dodge.....	2d Bugler.....	Sept. 21, 1861	Q. M. Serg't., 1863. Mustered out Sept. 20, 1864.
Alonzo Underwood.....	20	Fort Dodge.....	Saddler.....	Sept. 21, 1861	Mustered out for disability Aug. 21, 1862.
James Hunter.....	42	Waterloo.....	Farrier.....	Oct., 1861	Mustered out Oct. 11, 1864.
Geo. G. Smith.....	22	Estherville.....	Farrier.....	Sept. 21, 1861	Taken prisoner Aug., 1864; was in Andersonville.
Wm. Welch.....	22	Fort Dodge.....	Wagoner.....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Allen Erwin.....	40	Border Plains.....	Private.....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
W. A. Barbor.....	18	Border Plains.....	Private.....	Sept. 21, 1861	Corp., July 7, 1864; 1st Lieut., Oct. 6, 1864. Taken prisoner Darbytown Road Oct. 7, 1864. Died while a prisoner.
James R. Barnes.....	21	Border Plains	Private.....	Sept. 21, 1861	Killed June 9, 1864 in front of Petersburg.
James A. Beach.....	21	Border Plains	Private.....	Sept. 21, 1861	Died of wounds received at Deserted House, Va., Jan. 30, 1863.
Geo. W. Binkley.....	18	Border Plains	Private.....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Lafayette Binkley.....	19	Border Plains	Private.....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
John F. Brown.....	21	Waterloo.....	Private.....	Sept. 28, 1861	Mustered out Sept. 28, 1864.
Peter Bowers.....	21	Fort Dodge.....	Private.....	Sept. 21, 1861	Killed on the R. R. near Lewistown, Pa., Oct. 9, 1861.
Wm. H. Burright.....	20	Fort Dodge.....	Private.....	Sept. 21, 1861	Taken prisoner Jan. 29, 1864; was in Andersonville.
Lucius L. Carrier.....	18	Dubuque.....	Private.....	Sept. 28, 1861	Com. Serg't., Oct. 19, 1864; 1st Serg't., Feb. 14, 1865; 2d Lieut., May, 1865; 1st Lieut., Aug. 13, 1865.
Allen B. Carter.....	21	Fort Dodge.....	Private.....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Starling Chandler.....	20	Waterloo.....	Private.....	Sept. 28, 1861	Mustered out Sept. 28, 1864.
Leander Chase.....	30	Fort Dodge.....	Private.....	Sept. 21, 1861	Mustered out Sept. 21, 1864.
Henry Cooper.....	24	Jamestown.....	Private.....	Sept. 21, 1861	Mustered out Sept. 21, 1864.
Geo. H. Crosby.....	19	Dubuque.....	Private.....	Sept. 23, 1861	Mustered out Sept. 23, 1864.
Geo. H. Crosby.....	20	Fort Dodge.....	Private.....	Sept. 21, 1861	Serg't., Jan., 1864. Mustered out Sept. 21, 1864.

NAME	AGE	RESIDENCE	RANK	MUSTERED	REMARKS
Daniel Carpenter.....		Border Plains....	Private	Nov. 2, 1861	Died at Washington, D. C., of typhoid pneumonia following measles, Dec. 24, 1861.
Hiram Evans.....	22	Jamestown.....	Private	Sept. 20, 1861	Deserted July 3, 1863.
Seth P. Emery.....	25	Spirit Lake.....	Private	Sept. 21, 1861	Promoted to Hospital Steward.
W. S. Fitch.....	21	Border Plains....	Private	Sept. 21, 1861	Mustered out Sept. 20, 1864.
James W. Forbes.....	22	Cedar Falls.....	Private	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Thos. J. Forbes.....	26	Dakotah City....	Private	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Jacob H. Frantz.....	23	Dubuque.....	Private	Sept. 26, 1861	Mustered out Sept. 26, 1864.
Wm. Frost.....	24	Waterloo.....	Private	Sept. 28, 1861	Mustered out Sept. 28, 1864.
John Galer.....	21	Jamestown.....	Private	Sept. 21, 1861	Bugler in 1863. Mustered out Sept. 21, 1864.
Wm. V. Gardner.....	20	Fort Dodge.....	Private	Sept. 21, 1861	Corp. in 1864. Mustered out Sept. 20, 1864.
James Hood.....	22	Jamestown.....	Private	Sept. 21, 1861	Mustered out Sept. 20, 1864.
James Horton.....	20	Fort Dodge.....	Private	Sept. 21, 1861	Corp. in 1863. Discharged Sept., 1863 to take Lieut. Com in 8th Iowa Cavalry. Was Adj't of the regiment. Was killed in the Stoneman raid south of Atlanta, Ga. He was chosen to represent Cavalry service on the Soldiers' Monument at Des Moines, Iowa.
S. O. H. Johnson.....	19	Border Plains....	Private	Sept. 21, 1861	Committed suicide while insane near Fortress Monroe, Va., June 14, 1862.
Edward Kendall.....	19	Fort Dodge.....	Private	Sept. 21, 1861	Wounded at South Anna Bridge, June, 1863. Mustered out Sept. 20, 1864.
Edward Kennedy.....	22	Fort Dodge.....	Private	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Jacob Kimball.....	19	Cedar Falls.....	Private	Sept. 21, 1861	Died of fever, May, 1862, at Camp Hamilton, Va.
J. F. Largent.....	22	Dubuque.....	Private	Sept. 27, 1861	
James Lindsay.....	29	Fort Dodge.....	Private	Sept. 21, 1861	
Oscar S. Matthews....	20	Spirit Lake.....	Private	Sept. 21, 1861	Serg't., Sept., 1864. 2d Lieut., Oct. 4, 1864. Killed at Five Forks, Va., April 1, 1865.
Jos. A. McKee.....	23	Border Plains....	Private	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Thos. Meagher.....	22	Fort Dodge.....	Private	Sept. 21, 1861	Mustered out Sept. 20, 1864.

NAME	AGE	RESIDENCE	RANK	MUSTERED	REMARKS
Andrew Mills.....	29	Jamestown .....	Private .....	Sept. 21, 1861	Wounded and taken prisoner at Reams' Station, Va., June 29, 1864; was in Andersonville. Died at Wilmington, N. C., March, 1865.
Henry P. Minton.....	23	Border Plains...	Private .....	Sept. 21, 1861	Saddler in 1864. Mustered out Sept. 20, 1864.
Jacob M. Moore.....	18	Border Plains...	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
George Olcutt.....	23	Fort Dodge.....	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
John Peterson .....	18	Fort Dodge.....	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864. Reenlisted as a veteran.
Henry A. Platt .....	21	Fort Dodge.....	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Geo. R. Price .....	20	Dubuque .....	Private .....	Sept. 24, 1861	Mustered out Sept. 24, 1864.
Euphronius P. Ring ..	20	Spirit Lake.....	Private .....	Sept. 21, 1861	Serg't., Aug. 7, 1863; 2d Lieut., July 7, 1864; Capt., Oct. 4, 1864. Resigned June 8, 1865.
Samuel R. Rogers .....	24	Spirit Lake.....	Private .....	Sept. 21, 1861	Killed Aug. 24, 1864, near Weldon R. R.
Francis Shaftner .....	22	Fort Dodge.....	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Wm. Sherman.....	18	Jamestown .....	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Jason B. Simmons ..	25	Fort Dodge.....	Private .....	Sept. 21, 1861	Corp., 1864. Mustered out Sept. 20, 1864.
Oscar Slosson.....	28	Jamestown .....	Private .....	Sept. 21, 1861	.....
Ichabod E. Spring.....	21	Border Plains...	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Chas. Tanner.....	25	Spirit Lake.....	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Daniel H. Taylor.....	28	Fort Dodge.....	Private .....	Sept. 21, 1861	Wounded at Deserted House, Va., Jan. 30, 1865. Lost an arm.
Albert H. Townsend..	19	Border Plains...	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Henry Townsend.....	20	Border Plains...	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
James L. Townsend ..	22	Border Plains...	Private .....	Sept. 21, 1861	Mustered out Sept. 20, 1864.
Thomas J. Williams ..	21	Dubuque .....	Private .....	Sept. 21, 1861	Mustered out for disability.
Richard W. Wilson .....	.....	Fort Dodge.....	Private .....	Sept. 21, 1861	Reenlisted as a veteran. Deserted.

James Moon came to the company from Iowa in 1862.





## THE EARLIEST SETTLERS OF LINN COUNTY.

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BY JOHN J. DANIELS.

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The writer feels that the early history of Iowa would be incomplete, when impartially written, if two early settlers, Daniel Seward Hahn and his wife, Permelia (Epperson) Hahn, did not receive the appreciative and grateful tribute of respect which is justly due to their memory. They were early pioneers and first settlers in Franklin township, Linn county, Iowa, and are now believed to have been the first in Linn county. This honor for many years was awarded to Edward M. Crow, who, no doubt, honestly believed that he was the first settler, for the home of the one was about twelve or fourteen miles from the other, and the early settlers were too busily engaged with their own personal affairs to search out the locality of others.

An investigation of this subject has been made within the past five years, which proves, as I shall endeavor to show, that Mr. Hahn preceded Mr. Crow by several months, and that Mrs. Hahn was the first white woman who became a permanent settler in the county. I visited Mr. Hahn at his home near Mt. Vernon, Iowa, on the 13th of September, 1894, under the impression that he was the oldest and earliest settler of the county living, and I will give his own statement in the following words:

My brother-in-law, Charles Moberly, and I came to Linn county, Iowa, in the spring of 1837, made a claim and built a cabin on it up to the square; did some breaking, and in the latter part of August, 1837, removed my wife and five children from Mercer county, Illinois, into this same cabin. Mrs. Hahn was the only help I had in putting up the weight poles on the roof, which was covered with clapboards. At that time there was no other house or settler in the township or county to my knowledge.

It is my aim to give the truth, only, for the benefit of posterity, having no desire or wish to lessen the just and merited honor of any old settler, and entertaining no pre-  
judice against either one. Therefore, I ask that

the reader of these pages will render judgment in accordance with the preponderance of evidence herein presented, which evidence depends largely upon the memory and the surrounding circumstances of those claiming priority.

It is a matter of regret that, while the early settlers were laying the foundation stones for future historians to build upon, such a limited number of the early incidents were reduced to writing. The one who now undertakes the task of presenting a truthful history of important events which transpired more than half a century ago, is at times compelled to give the nearest approximate date obtainable. The accumulated evidence clearly disposes of the doubt, as to which of the two men, Hahn or Crow, was the first person to make a claim, and erect a cabin in Linn county.

I now introduce the evidence in behalf of Mr. Crow's claim, as published in his obituary in *The Cedar Rapids Weekly Gazette*, of August 9, 1894. From its resemblance in phraseology, I judge that it was largely copied from a sketch in the "History of Linn County," published in 1878, which was dictated personally by himself to the writer of that history. (See page 336, "History of Linn Co."). The statement is as follows:

He left Kane county, Illinois June 4th, and on July 4, 1837, laid claim to Sections 13 and 14, now in Brown township; staid four days in the county and then returned to Fox River, Illinois; and a short time afterwards in company with James Dawson and his brother, Garrison Crow, purchased six yoke of oxen and made preparation to return to Iowa. The little wagon train left Fox River the latter part of August and reached Linn county September 5, 1837. . . . Then the three erected a shanty near a small stream, afterwards named Crow Creek.

The evidence in Mr. Crow's behalf is somewhat conflicting, as the same history of Linn county on page 334 reads thus: "Late in August, 1837, Edward M. and Garrison Crow, his brother, and James Dawson, came to Linn county, this time prepared to begin work in earnest. . . . They put up a cabin September 5, 1837." On page 815, the history states: "In the fall of 1838 he (Mr. Crow) sold his

claim to Olmsted & Parker, and went to Indiana and spent the winter in going to school, but the following spring (1839) he returned to Linn county, and settled where he now lives." When Mr. Crow located in Linn county he was a single man, and was not married until November 14, 1839. Therefore, Mr. Hahn and wife with their five children constituted the first family in the county.

Hosea W. Gray, one of the historians of Linn county, for the *Iowa Gazetteer*, says: "John Mann [should have been Jacob Mann] was the first settler, coming in February, 1838." Charles C. Haskin, of Franklin township, made the claim of being the first settler in the county, but this is not supported by any outside evidence or circumstance. The three aspirants Mann, Crow and Haskin, were single men when they came and for several years afterward, and their permanent residence at first was only long enough within the year to secure their claims.

When I visited Mr. Hahn, then past his eighty-sixth year, I was surprised to find him enjoying such good health. His memory was clear and retentive, and he manifested the same degree of vivacity which he did in his earlier years. He was a free and easy conversationalist, naturally witty and always jovial in his disposition, and he enjoyed a good joke when told, or even perpetrated upon himself. As an illustration of this I will give in his own words one of the stories which he frequently told:

One of my wild pranks was played while with Capt. Ashton, when on our way to Fort Dearborn, and it came very near costing me my life. Ashton's company was enlisted at Crawfordsville, Indiana, to serve in the Black Hawk war, and started from there for Fort Dearborn (now the city of Chicago). As a matter of precaution against any sudden surprise by Indians, Ashton selected five men and myself to act as scouts in advance of the main company. After reaching the vicinity of the Indian haunts, I fancied that to play Indian would test the nerve and bravery of the men. I got behind a tree near the roadside, and presented enough of my person to be discovered. Reason Goodwin was then in advance of the company, and discovering what he supposed was an Indian, ran back and reported it to the rest. The Captain hurriedly formed his men in line, and pressed

forward, expecting to find the enemy near, or ambushed in his front. While the men were steadily advancing to my right and left, I soon realized that my safety depended upon making myself known before being fired upon. I accomplished this by placing my hat on a stick and holding it out beyond the tree. Ashton soon discovered the hat, and my perilous situation, and restrained his men from firing. After this incident I was called Blackhawk by my comrades. The noted Chieftain for whom I received this appellation was captured before our arrival at the Fort, and while we were at, or in the vicinity of, Beaver Lake. I had no desire to play Indian again, for the anticipated joke was played at my expense, and was more hazardous than fighting Indians.

Daniel Seward Hahn was born in Butler county, Ohio, June 9, 1808, and died January 9, 1899, at the home of his daughter, Mrs. Permelia A. Armstrong, near Mt. Vernon, Linn county, at the advanced age of ninety years and seven months. He came of good ancestry, being related on the maternal side to the Hon. William H. Seward, who was by blood his first cousin. His father, Joseph Hahn, was a native of Pennsylvania, and his paternal grandfather at one time owned the site of the present populous city of Cincinnati. He was killed by the Indians while at North Bend, Ohio, for the purpose of selling a tract of land to aid in paying a balance that he owed on the site of Cincinnati. He was the first man who removed his family to Fort Washington, now Cincinnati.

Mr. Hahn was descended from patriotic ancestry; his grandfather was a soldier in the Revolutionary war, his father in the war of 1812, and he himself was a member of Capt. Ashton's company of Indiana Volunteer Infantry and was in actual service in the Black Hawk war. The patriotic blood in the Hahn family has coursed its way unimpaired through the veins of five generations, and before Mr. Hahn's death he had the pleasure of knowing that five grandsons were serving in the Spanish war. Three sons of John F. Hahn, to wit: Frank K. Hahn, first sergeant of Company C, 49th Iowa Volunteer Infantry, Guy Hahn, corporal of the same company and regiment, and John C. Hahn, a member of Captain George Bever's Light Artillery Company, all of



Cedar Rapids, Iowa; Elias E. Hahn's son Victor, and Claud, son of Daniel Hahn, Jr., are both members of Company E, 49th Iowa Volunteer Infantry.

Mr. Hahn's mother died when he was five years of age, and when twelve the family removed to Indiana, where he attained his majority, and during the winter months acquired a common school education. On November 29, 1829, he was married to Miss Permelia Epperson, and shortly afterwards leased a large tract of land in Montgomery county, Indiana, where he remained until 1834. In this year he removed his family to Henderson's Grove, Illinois, remaining there until the spring of 1837, when in company with his brother-in-law Charles Moberly, he came to Cedar county, Iowa, and, as previously stated, to Linn county the same spring. He made a claim, did some breaking, built a cabin in part, and in August of 1837 removed his wife and children into this cabin and they became permanent settlers of the new Territory of Iowa.

Mrs. Permelia (Epperson) Hahn was born near Nashville, Tennessee, on the 29th of November, 1804, and in early life, with her parents, removed to Kentucky and subsequently to Indiana, where she resided until her marriage to Mr. Hahn. To this union eleven children were born. Lemuel died in early childhood; Susannah married J. T. West and died several years ago; Charles E. married Almira Wolf and resides in Johnson county, Iowa; Joseph married Susan Slater, removed to Osborn county, Kansas, and became sheriff of that county; Daniel, Jr., married Eliza Tyson and resides near Mt. Vernon, Iowa; Sarah married William Murray and resides in California; Mary E. married James P. Rose, who died while serving in the union army; she subsequently married E. Haley and resides near Mt. Vernon; Lydia J. married George A. Johns, and resides in Mt. Vernon; Elias E. married his second cousin, Miss Joanna Hahn, of Illinois and resides on the old homestead; Permelia married Thomas J. Armstrong, and she and her

two sons reside on a part of the old homestead; John F. married Lizzie Kurtz, and resides in West Cedar Rapids.

Mrs. Hahn died at her home on the 16th of November, 1881, lacking fourteen days of completing her seventy-seventh year, and left surviving her a husband and nine children. She was a kind and sympathetic mother, intelligent, industrious and frugal, and assisted largely in accumulating an ample competence for the family. She had a smile for the child, a tear for the afflicted, bread for the hungry, and a willing hand for the sick who required her aid, and as a skillful practitioner in the line of obstetrics, her services were frequently required at the homes of the new settlers. She will ever be remembered with affection by the family and by those who settled in the county many years ago, and is justly entitled to the honor of being the first white female resident of the county.

Mr. Hahn's homestead originally embraced 280 acres, including prairie and timber land, and he remained on this first home from 1837 until his death, making a continuous residence of almost sixty-two years on the same farm. His tastes were for a quiet life, and the occupations of a farmer, which in his opinion to be made successful must be permanently followed with a life of patient toil. When he and his wife settled on their claim they had five children and but few worldly goods, and according to his own statement, "only twenty-five cents in money," but plenty of energy and pluck, to withstand the privations incident to pioneer life. By patient industry and economy they managed in the course of a few years to purchase the present homestead, which at this time is as fine and valuable a tract of land as any in Franklin township, though embracing only about 217 acres of the original purchase.

There were but few mills, if any, in Iowa in 1837, and what breadstuff was used had to be hauled by ox teams into the country from Illinois or trading posts along the Mississippi river; and the many modern improvements we enjoy

to-day were not even thought of by the early pioneers. Mr. Hahn's abilities were above the average, and one of his prominent traits of character was his great fidelity to friends, which he manifested throughout his entire life. According to his statement, his first vote was cast for Andrew Jackson for his second term of the presidency, and throughout his remaining years he was an ardent advocate of Jacksonian democracy. In his early manhood he became a member of the old school Baptists, and was a firm believer in predestination, though by no means pessimistic. He always saw the bright and promising side of surrounding conditions, never becoming gloomy or despondent over the trials and vicissitudes of life. He was gifted with good business judgment and reasoning powers, and as a ready debater and defender of the principles of his political or religious views, had few equals. He loved to talk on the great doctrines of election and predestination, delighting in the sermons of Mr. Spurgeon who made these beliefs so practical and comforting to his followers. He was patriotic, humane and benevolent, a friend to the poor and needy; throughout his life he was loyal to his church, and his last words were "I know I have a Saviour; my hope is well founded; my faith is built upon a firm foundation."

To the early pioneers the landscapes and the scenery of Iowa were ever grand and beautiful; the shady groves, the vast stretches of undulating prairies so profusely bedecked in springtime, with the richest and choicest flowers in all their native beauty, the many rivers, waterfalls, and crystal fountains, at first sight, were fascinating and inviting to the eyes of the beholders, especially to those in search of new homes. They fully realized that nature had done her part with a bountiful and outstretched hand, and had clothed the prairies with an abundant supply of verdure, which would afford food in summer and hay in winter for the cattle so largely used by the first settlers. Nor was this all, for the new Territory was abundantly supplied with wild animals,

fowl and fish, which often-times furnished palatable meals for the tired and weary hunter or fisherman and his family. The skins of the furred animals served a much needed purpose in supplying materials for caps, mittens and other articles of clothing. The early settler was only regarded as within the limits of fashion when dressed in buckskin coat or trousers with coonskin cap.

There was a certain class of personal belongings considered almost indispensable with the early settlers; such as good guns, hunting-pouches, powder-horns, butcher-knives, and several faithful, trusty dogs, whose sagacity and unerring scent, when in pursuit of game, seldom deceived their master. "Sancho" and "Blucher" soon learned that when the chase was successful it gave them a rare meal.

I should fail to do justice to this once new and inviting Territory without mentioning the fact that all the timbered portions seemed to be one general apiary, affording vast quantities of choice honey to the bee-hunter, and it was not an unusual thing to see from half to a full barrel of honey and comb gathered by a family. Its plentifulness almost destroyed the home-market, for nearly every settler was well supplied or had dozens of well filled bee hives of his own.

The reverse side of the pioneer's life was not such a pleasing picture as that already given, and was more or less covered with clouded and opaque spots, which represented many trying scenes and incidents. He realized that he was isolated and almost alone, and that he lived outside of the limits of society, with no schools for his children; that he was a long distance from mills and markets and must make sacrifices and endure many hardships, which would try his patience and require manly courage and untiring perseverance to overcome.

There were some undesirable things experienced by most new settlers, among which was the prevalence of chills and fevers, in some localities; the prairie "scratches," rattlesnakes, woodticks, and in summer time, swarms of hungry



mosquitoes which the early settler could not keep out of his rudely constructed cabin. The pioneer's "castle" was usually a one-story building, fourteen by sixteen or eighteen feet long, with two small windows, a door, and a stick and mud chimney. This limited space frequently served for kitchen, dining and sleeping rooms, and the place where "Nancy Jane received her best fellow on Sunday nights." The outbuildings were rudely constructed stables, covered with prairie hay, and the domestic animals usually had but little shelter from the piercing winds and chilly snow storms of midwinter.

The writer has adverted to some incidents, in the foregoing sketch of pioneer life, which came under his personal observation and experience, though not among the earliest settlers, having come to the county in the early part of May, 1844.

BERTRAM TOWNSHIP, LINN Co., IOWA, July, 1899.

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SNOW STORM.—One of the severest snow storms ever known in Northern Iowa, visited this vicinity last week. Snow fell to the depth of about twelve inches, but most of it lies in drifts varying from two to six feet in height. The roads were badly blockaded, and our mails were delayed somewhat, but most of our lines of stages are now making trips with their accustomed regularity.—*Ft. Dodge Republican*, December 23, 1863.

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HON. J. A. KASSON, after remaining two or three days with his old friends, left on the stage yesterday morning for Washington city. His numerous acquaintances here were much gratified to see him. He is a gentleman whom we are willing to trust as a representative of Iowa anywhere on the two continents.—*Daily State Register (Des Moines)*, January 18, 1862.

## THE BATTLE OF ATHENS, MISSOURI.

BY D. C. BEAMAN.

To those not familiar with the situation it is necessary to state that the Des Moines river at Athens, Missouri, forms the boundary line between Missouri and Iowa. Athens is situated on a high hill which presents a face to the river of one-half or three-fourths of a mile in extent, the ground above and below the town being considerably lower. The town of Croton is on the Iowa side opposite Athens, but on much lower ground.

The Keokuk, Fort Des Moines & Minnesota railroad was at that time completed from Keokuk to Ottumwa. I was station agent at Croton, and also orderly sergeant of Captain Joe Faris's company, then just organized at Croton for service in the union army.

The first battle of Bull Run had been fought a few days before, resulting in a disastrous defeat of the union forces. The battle of Wilson's Creek, in Missouri, in which General Lyon was killed, was fought the same day as the battle of Athens, August 5, 1861, but as there was then no telegraph up the Des Moines river it was not known there for some days.

Colonel David Moore, with his unorganized regiment comprised of Missouri and Iowa unionists, some two or three hundred strong, was in recruiting camp at Athens.

Martin Green in command of an unorganized regiment of Missouri rebels, about five hundred strong, had been for some days marching from the neighborhood of Memphis, Missouri, to give battle to Colonel Moore's recruits at Athens. This was known by Colonel Moore, but he was unable to obtain reliable information as to Green's progress until the evening of August 4th, when he learned that the rebels were but a few miles away.

The Keokuk City Rifles, composed mostly of Keokuk

business men, and numbering about sixty had arrived at Croton from Keokuk the night of August 4th to reinforce Colonel Moore. W. W. Belknap, afterwards Secretary of War, was their captain.

I was at my home in Croton very early on the morning of August 5th when I heard a cannon shot on the Athens hill. I hurried to the depot where I met Captain Belknap, and while we were standing together and speculating on what the day would bring forth and what we should do, the battle was fairly opened by the discharge of small arms from both sides and other shots from the six-pound cannon which the rebels had with them.

Colonel Moore's men were mostly in line on the hill at Athens, but small outposts were near the river above and below the town to meet a flank attack by the rebels should one be made.

Captain Belknap rallied his City Rifles who were about the depot and they with H. W. Sample of Keokuk and myself went down to the river immediately opposite Colonel Moore's lower outpost which was in Ike Gray's maple grove just below Athens. We were stationed in a maple grove belonging to my father on the Iowa shore. In a few minutes a flanking party of rebels, probably fifty in number, appeared on the Missouri side of the river opposite us and began to drive in the union outpost. We immediately opened fire on them. H. W. Sample and I were close to each other, while the City Rifles were scattered through the grove, each behind a big maple tree.

Soon after we arrived at the river, and before we got the range, the rebel flanking party had routed the union outpost and they were retreating, some across the river and some back on to the Athens hill. It was here, I believe, that Captain Joe Dickey of Farmington was wounded.

The distance across the river was considerable and our first bullets struck the water near the opposite shore. But this enabled us to get the range readily and in a short time

we had the rebels dodging behind the trees in Ike Gray's grove. Then came a union reinforcement from Colonel Moore which put the rebels in the grove under a cross-fire; they retreated on the run down the river, and were soon out of sight, and by that time Moore had whipped the main body on the hill and they were also in full flight, but managed to take their cannon with them.

A rebel flanking party on the up-river side of the town had also been defeated at the same time and the battle was over.

I believe Sample was also captain of a Keokuk company which was there, but neither he nor Belknap attempted to get their men in line or march them to the river in order. They were lying promiscuously about the depot, resting after a night's ride from Keokuk, and awaiting word from Colonel Moore, when the fight began much earlier than was expected. Belknap and Sample ordered their men to make for the river, but by the time they reached it the fight was on between the rebel flankers opposite and the union outpost. It was impossible for us to wade the river, and any attempt to fight in line would have been disadvantageous, and there was nothing else or better to do than to fight from behind the trees, as we did.

We kept a stream of lead going across the river as long as there was a rebel in sight, and never knew what damage we did, but as the range was long and the rebels soon began to jump sideways and get behind the maple trees it is not likely that many were killed or wounded. They returned our fire for awhile but did us no damage, as a two-foot maple tree makes a pretty safe breastwork.

It was said at the time that Colonel Moore had two sons in Green's rebel regiment, and after considerable firing had been done by both sides, the main bodies of the opposing forces on the hill being several hundred yards apart, Colonel Moore gave the order to charge in loud tones, intending, no doubt, that the rebels should hear it. One of his sons, on



hearing the order, said to his comrades, "Boys, do you hear the old man? He means what he says, and they will be here in about a minute, and the old man won't be the last one either." The charge followed as predicted, and that ended the battle.

I believe the rebels fired only five solid shot—all they had—and a few loads of scrap iron. One of the shot went clear through a house on the hill and the hole remained unrepaired for many years after. Another shot\* went over the heads of General Belknap and myself soon after we got to the depot. It whistled like a shell, the whistling being made by a sand hole in it, and struck in the hill on my father's farm back of Croton, where it was afterwards found. I presume it is the only rebel cannon ball fired during the war from a rebel state which lodged in a union one, certainly the only one which struck Iowa soil.

DENVER, COLORADO, September 10, 1903.

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\*This cannon ball was presented by Mr. Beaman, to the Historical Department and is now on exhibition in the museum. A flag carried by one of Green's companies during the battle, was also presented to the Department by Mr. Beaman. The 6-pound shot-hole through the house remains "unrepaired" to this day. It is the principal remaining relic of the battle in the hamlet of Athens.

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BUFFALO HUNT.—Our friends in Pocahontas county have recently enjoyed the rare pleasure of a buffalo hunt. Some two weeks since, a large buffalo of the "male persuasion," was discovered on the prairie some mile or more from the court house, and a party consisting of Messrs. Hait, Struthers, Metcalf and Stickney immediately started on horseback in pursuit. After a hot chase of several miles, his bovine majesty was finally overtaken and compelled to "give up the ghost," by the reception of some twenty balls, fired from revolvers, pistols and shot guns. He proved to be one of the largest of his species and the weight of the carcass was estimated at over 1500 pounds.—*Ft. Dodge Republican, September 23, 1863.*

## IOWA AT WEST POINT AND ANNAPOLIS.

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COMPILED BY ALICE M. STEELE.

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Up to the present time no lists of the graduates of the Military and Naval Academies from Iowa have been published for the information of our people. At the suggestion of the editor of *THE ANNALS*, the following lists have been compiled for this purpose, and to place on record the services of these men of whom our State will always be justly proud.

Formerly admission to these institutions was secured by favor, the appointments going to those who had political influence; but this condition no longer exists. Admission is now gained by competitive examinations, and a young man in the most obscure walk of life, who is ambitious to secure the training of either of these great schools, stands an equal chance with the friend of the politician.

The list of graduates of the Military Academy has been compiled from Gen. George W. Cullum's "Biographical Register of the Officers and Graduates of the Military Academy," and from the "Army Register." In preparing this list it has not been the aim to give a detailed record of each graduate, but to furnish a statement of the principal events in his military career. For a more complete record the reader is referred to the works above mentioned, to the "Army Directory," and to the "Annual of the Association of Graduates of the Military Academy." The number of each graduate is given (in parenthesis) from the first down to 1903, the number at that time being 4214, and the class rank of each is also given. As nearly as possible, the record of service is complete to October, 1904.

Within the sphere of his gifts it is always considered a proud and fortunate thing for a young man to secure an appointment to West Point Military Academy. While this is true, the reader will discover that the service is

fraught with considerable danger. A large number die before they reach the age of forty years.

A number of prominent men, who graduated from the Military Academy, and who distinguished themselves in the service, lived a greater part of their lives in Iowa, but were appointed from other states.

THE MILITARY ACADEMY.

ALLIN, GEORGE R. (No. 4231), was appointed to the Military Academy from Iowa City, and graduated No. 17 in the class of 1904. He is at present Second Lieutenant, 22d Field Battery, stationed at Ft. Douglas, Utah.

ARNOLD, FREDERICK T. (No. 3762), was appointed from Earlville, Delaware county, and graduated June 11, 1897, No. 21 in his class of 67. He served at Ft. Yellowstone, and afterwards in the Philippine Islands, and is at present Captain in the 4th Cavalry, stationed at Ft. Riley, Kansas.

BARRETTE, JOHN D. (No. 3066), was appointed from Davenport, and graduated June 14, 1885, No. 9 in his class of 39. After his graduation he performed various military duties, and during the Spanish-American war was Chief Mustering Officer for the State of Maine. He is at present Captain, Artillery Corps, at Ft. Monroe, Virginia.

BEACH, LANSING H. (No. 2934), was appointed from Dubuque, and graduated June 13, 1882, No. 3 in his class of 37. After his graduation he served in the Engineering Corps, attaining the rank of Major, and is at present stationed at Detroit, Michigan.

BELL, DAVID (No. 1511), was appointed from Bloomfield, Davis county, and graduated July 1, 1851, No. 18 in a class of 49. His service was principally on the frontier, where he engaged in several skirmishes with the Indians. He died at Ft. Monroe, Virginia, December 2, 1860, at the age of 34.

BIRKHIMER, WILLIAM E. (No. 2330), was appointed from

Fairfield, Jefferson county, and graduated June 15, 1870, No. 19 in his class of 58. Prior to becoming a cadet he had served in the civil war. After his graduation he was engaged in military duties at many stations in the United States, and during the Spanish-American war served in the Philippines, attaining the rank of Colonel in the volunteer service. He is the author of several works relating to the United States Army. At present he is Major, Artillery Corps, stationed at San Francisco, California.

BOUGHTON, DANIEL H. (No. 2887), was appointed from Union, Worth county, and graduated June 11, 1881, No. 9 in his class of 53. He afterwards served at various military posts, and in Cuba during the Spanish-American war, where he participated in the battle of San Juan, and was recommended for brevet-major. He was admitted to the bar in New York in 1894. He is at present Major, 11th Cavalry, stationed at Ft. Leavenworth, Kansas.

BOWER, DAVID H. (No. 4116), was appointed from Guthrie Center, and graduated No. 49 in the class of 1902. He is at present Second Lieutenant, 12th Infantry, stationed at Manila, Philippine Islands.

BOWMAN, EVERETT N. (No. 4210), was appointed from Mt. Pleasant, Henry county, and graduated No. 89 in the class of 1903. He is at present Second Lieutenant, 13th Infantry, stationed at Angel Island, California.

BOYD, CHARLES TRUMBULL (No. 3729), was appointed from Morning Sun, Louisa county, and graduated June 12, 1896, No. 61 in his class of 73. He served in the Spanish-American war in the Philippines, engaging in the battles in and about Manila, and other important operations, attaining the rank of Major in the volunteer service. He is at present Captain, 10th Cavalry, stationed at Nevada University, Reno, Nevada.

BRANT, GERALD CLARK (No. 4316), was appointed from Chariton, Lucas county, and graduated No. 102 in the



class of 1904. He is at present Second Lieutenant, 9th Cavalry, stationed at Ft. Walla Walla, Washington.

BROOKS, LORENZO L. C. (No. 2776), was appointed from Des Moines, and graduated June 13, 1879, No. 17 in his class of 67. He served on frontier duty until June 30, 1883, when he resigned. In August, 1901, he was residing in St. Paul, Minnesota.

BURGESS, LOUIS RAY (No. 3462), was appointed to the Military Academy from Boone, and graduated June 11, 1892, No. 13 in his class of 62, afterwards serving in various capacities in the United States Army. He is at present Captain, Artillery Corps, stationed at Presidio, San Francisco, California.

CHAPIN, EDWARD S. (No. 2320), was appointed from Dubuque, and graduated June 15, 1870, No. 9 in his class of 58. After his graduation he was stationed at various military posts, attaining the rank of Captain. He was retired from active service, covering a period of thirty years, at his own request, November 7, 1896, and died at Chicago, Illinois, May 3, 1899, at the age of 52.

CHASE, ARTHUR W. (No. 3456), was appointed from Avoca, Pottawattamie county, and graduated June 11, 1892, No. 7 in his class of 62. After his graduation he served on garrison duty, and in other branches of the military service in the United States and in Cuba, and is at present Captain, Artillery Corps, Pay Department, on duty at Manila, Philippine Islands.

CLAFLIN, IRA W. (No. 1786), was appointed from Indian Prairie, Van Buren county, and graduated July 1, 1857, No. 27 in his class of 38. He served on frontier duty, and during the civil war, receiving the rank of brevet-major for services during the Gettysburg campaign. He died at Mount Pleasant, Texas, November 18, 1867, at the age of 33.

CLARK, ELMER WRIGHT (No. 3531), was appointed from Storm Lake, and graduated June 12, 1893, No. 20 in

He is at present Captain in the 5th Infantry, United States Hospital Barracks, Washington, D. C.

DIXON, HENRY BENJAMIN (No. 3651), was appointed from Fairfield, and graduated June 12, 1895, No. 35 in his class of 52. He is at present Captain, 9th Cavalry, stationed at Ft. Walla Walla, Washington.

DONALDSON, CHARLES V. (No. 3273), was appointed from Moingona, Boone county, and graduated June 11, 1888, No. 36 in his class of 44. He was drowned July 15, 1890, at Santa Anna, California, in attempting to save life, having previously rescued two other persons. His death occurred at the age of 24.

DUNWOODY, CHARLES V. (No. 2133), was appointed from Fairfield, and graduated June 18, 1866, No. 19 in his class of 41. After his graduation he served in various branches of the United States Signal Service, and during the Spanish-American war was Chief Signal Officer in Cuba. At the Columbian Exposition he received a medal of honor and diploma for a treatise on International Meteorological Observation. He is at present a Brigadier General on the Retired List, living at 1522 31st Street, Washington, D. C.

ELBERT, LEROY S. (No. 1960), was appointed from Lebanon, Van Buren county, and graduated No. 28 in his class of 34. He served in the civil war, reaching the rank of Captain. September 11, 1863, he was granted sick leave of absence, and died on the Mississippi river, enroute for St. Louis, September 13, at the age of 24. He was a classmate of Gen. George A. Custer, who graduated No. 34.

ELY, HANSON E. (No. 3447), was appointed from Iowa City. He graduated June 12, 1891, No. 63 in his class of 65, afterwards serving on garrison duty at different forts, and as Professor of Military Science and Tactics at the Iowa State University for one year. During the Spanish-American war he served in the Philippine Islands.

He is at present Captain, 26th Infantry, stationed at Ft. Leavenworth, Kansas.

**FISK, WALTER L.** (No. 2642), was appointed from Waverly, Bremer county, and graduated June 14, 1877, No. 2 in his class of 76. He is at present Major, Corps of Engineers, stationed at Detroit, Michigan.

**FLAGLER, CLEMENT A. F.** (No. 3284), was appointed from Davenport, and graduated June 12, 1889, No. 3 in his class of 49. After his graduation he served in the Corps of Engineers, attaining the rank of Captain, and is at present stationed at Wilmington, Delaware. He was the son of Gen. D. W. Flagler, of the Class of 1861.

**GALLAGHER, HUGH J.** (No. 3043), was appointed from Council Bluffs, and graduated June 15, 1884, No. 23 in his class of 37. He participated in the Pine Ridge campaign, receiving honorable mention for services. He served in the Spanish-American war, engaging in some of the most important operations in Cuba, reaching the rank of Lieutenant-Colonel and Commissary of Subsistence in the volunteer service. He is at present Captain, Subsistence Department, War Department, Washington, D. C.

**GALLUP, FRED H.** (No. 3881), was appointed from Boone, and graduated February 15, 1899, No. 14 in his class of 72, and was promoted in the army to Second Lieutenant of Artillery, serving at various forts. He is at present Captain, 87th Company Coast Artillery, West Point, New York. He is the son of ex-Senator W. H. Gallup of the Boone-Story district.

**GARBER, MAX B.** (No. 4179), was appointed from Marble Rock, Floyd county, and graduated No. 58 in the class of 1903. He is at present Second Lieutenant, 22d Infantry, stationed at Manila, Philippine Islands.

**GARDNER, FRANKLIN** (No. 1183), was appointed from Washington, and graduated July 1, 1843, No. 17 in his class of 39. U. S. Grant was one of his classmates, gradu-



ating No. 21. He served in the war with Mexico, and on frontier duty, attaining the rank of Captain. He was dropped from the service May 7, 1861, for abandoning his command, afterwards joining in the rebellion against the United States. He died near Vermillionville, Louisiana, April 24, 1873, at the age of 50.

GARST, CHARLES E. (No. 2631), was appointed from Boone, and graduated June 14, 1876, No. 39 in his class of 48. He served on frontier duty at several stations, resigning January 10, 1884, to become a missionary to Japan, where he died December 25, 1898.

GRAY, ALONZO (No. 3213), was appointed from Waucoma, Fayette county, and graduated June 12, 1887, No. 40 in his class of 64. He served at various military posts in the United States and in Puerto Rico, and is at present Captain, 14th Cavalry, on duty at Manila, Philippine Islands.

HARRIS, FRANK E. (No. 3452), was appointed from Des Moines, and graduated June 11, 1892, No. 3 in his class of 62. He is at present Captain, 6th Coast Artillery, on duty at Ft. Monroe, Virginia.

HILL, ROWLAND G. (No. 2900), was appointed from Muscatine, and graduated June 11, 1881, No. 22 in his class of 53. He served on frontier duty at various stations, and with his regiment performed other important missions, reaching the rank of Captain of Infantry. He died in Camp near Mobile, Alabama, May 2, 1898, at the age of 41.

HOWE, EDGAR W. (No. 2727), was appointed from Dubuque, and graduated June 13, 1878, No. 11 in his class of 43. After his graduation he served at various military posts, and during the Spanish-American war was Chief Mustering Officer for the State of Pennsylvania. He is at present Major, 27th Infantry, stationed at Ft. Sheridan, Illinois.

HOWELL, DANIEL L. (No. 2812), was appointed from Keo-

and was graduated June 11, 1897, No. 22 in his class of 27. He served at various military posts and in the Spanish-American war where he participated in the siege of Santiago. He is at present Major 10th Infantry serving at Manila, Philippine Islands.

SMITH, RICHARD L. No. 2221, was appointed from Iowa City and graduated June 11, 1897, No. 1 in his class of 54. Before entering the Military Academy he had served as a private in the civil war. After his graduation he served in the Corps of Engineers and is at present a Lieutenant Colonel stationed at Baltimore, Maryland. In 1899 he married Fannie Brown, the daughter.

HARRINGTON, HENRY D. No. 2571, was appointed from Los Angeles and graduated June 11, 1897, No. 26 in his class of 62. He served principally in frontier duty, attaining the rank of First Lieutenant. He died at Jefferson Barracks, Missouri, May 4, 1898, at the age of 36.

JOHNSON, FREDERICK E. No. 3763, was appointed from Sioux City, and graduated June 11, 1897, No. 22 in his class of 67. He served at various military posts in the United States and in Puerto Rico, and is at present Captain, Artillery Corps, Ft. Monroe, Virginia.

JONES, WILLIAM K. (No. 3227), was appointed from Dubuque, and graduated June 12, 1897, No. 54 in his class of 64. He served in the Spanish-American war, both in Cuba and the Philippine Islands, and is at present Captain, 6th Infantry, stationed at Ft. Leavenworth, Kansas.

KOEHLEK, LEWIS M. (No. 3081), was appointed from Le Mars, and graduated No. 24 in his class of 39. He served in various capacities in the United States Army, and is at present Captain, 4th Cavalry, stationed at Ft. Leavenworth, Kansas.

LLOYD, CHARLES F. (No. 2546), was appointed from Lan-

sing, Allamakee county, and graduated June 17, 1874, No. 38 in his class of 41. He served on frontier duty until June 10, 1883, when he resigned, engaging in private business in Butte, Montana, where he became Colonel of the Montana Militia. May 14, 1898 he was appointed and commissioned Lieutenant-Colonel, 3d United States Volunteer Cavalry, serving with the regiment until he was honorably mustered out of service September 8, 1898.

LOWE, WILLIAM W. (No. 1608), was appointed from Iowa City, and graduated No. 30 in the famous class of 1853, which produced such soldiers as Generals McPherson, Schofield and Sheridan. He served on frontier duty and in the civil war, attaining the rank of Major of Cavalry in the regular service, and received brevets up to and including that of brigadier general. He resigned June 23, 1869, and engaged in private enterprises. His death occurred at Omaha, Nebraska, May 18, 1898, at the age of 69.

LYNCH, GEORGE A. (No. 4142), was appointed from Blainstown, Benton county, and graduated No. 21 in the class of 1903. He is at present Second Lieutenant, 17th Infantry, stationed at Manila, Philippine Islands.

McMANUS, GEORGE H. (No. 3520), was appointed from Hudson, Black Hawk county, and graduated June 12, 1893, No. 9 in his class of 51. He served at various military posts in the United States and Alaska, and is at present Captain, Artillery Corps, Quartermaster's Department, stationed at Ft. Totten, New York.

MORRISON, JOHN, JR. (No. 3699), was appointed from Hedrick, Keokuk county, and graduated June 12, 1896, No. 31 in his class of 73. He served in the Spanish-American war in Cuba, and afterwards in the Philippines, where he was killed January 18, 1901, while scouting near Ponaranda, Luzon, at the age of 30.

MORRISON, WILLIAM F. (No. 4088), was appointed from



- posts in the United States, and during the Spanish-American war was stationed at Richmond, Virginia, to muster in troops for that state. He is at present Major, Artillery Corps, stationed at Ft. Greble, Rhode Island.
- READ, GEORGE W. (No. 3008), was appointed from Des Moines and graduated June 13, 1883, No. 40 in his class of 52. He served on frontier duty and was at one time Professor of Military Science and Tactics at the Iowa State University. He is at present Captain, 9th Cavalry, stationed at Washington, D. C.
- REHKOPF, NED B. (No. 4093), was appointed from Des Moines, and graduated No. 26 in the class of 1902. He is at present Second Lieutenant, 28th Field Battery, stationed at Ft. Leavenworth, Kansas.
- SALTZMAN, CHARLES McK. (No. 3697), was appointed from Des Moines, and graduated June 12, 1896, No. 29 in his class of 73. He served in the war with Spain, participating in the most important engagements in Cuba. At present he is Captain, Signal Corps, on duty at Manila, Philippine Islands.
- SIMONDS, GEORGE S. (No. 3893), was appointed from Cresco, Howard county, and graduated February 15, 1899, No. 26 in his class of 72, sailing at once for the Philippines. He is at present First Lieutenant, 22d Infantry, stationed at West Point, New York.
- STICKLE, HORTON W. (No. 3870), was appointed from Anamosa, and graduated February 15, 1899, No. 3 in his class of 72. He was promoted at once to Second Lieutenant, Corps of Engineers, and sailed for the Philippine Islands. He is at present First Lieutenant, Corps of Engineers, stationed at West Point, New York.
- STREET, WASHINGTON P. (No. 1361), was appointed from Fairfield, and graduated July 1, 1847, No. 31 in his class of 38. He served in the war with Mexico and on frontier duty, and died at Camp McKavett, Texas, Sep-

tember 13, 1852, at the age of 27. He was a grandson of Gen. Joseph M. Street.

STUART, GEORGE W. (No. 3928), was appointed from Chariton, and graduated February 15, 1899, No. 61 in his class of 72. He was promoted to Second Lieutenant of Infantry and performed various military duties in the United States and in Alaska. At present he is First Lieutenant, 7th Infantry, stationed at Manila, Philippine Islands.

SUPLEE, EDWIN M. (No. 3263), was appointed from Des Moines, and graduated June 11, 1888, No. 26 in his class of 44. After his graduation he performed various duties in the military service, and during the Spanish-American war served as recruiting and mustering officer. He is at present Captain, 14th Cavalry, stationed at Davenport, Iowa.

THOMPSON, JAMES K. (No. 3046), was appointed from Albia, Monroe county, and graduated June 15, 1884, No. 26 in his class of 37. After his graduation he was stationed at various military posts, and during the Spanish-American war served as Captain and Assistant Adjutant General, United States Volunteers. He was honorably discharged from the volunteer service March 3, 1899, and was afterwards stationed at Puerto Principe, Cuba. He is at present Captain, 12th Infantry, on duty at Governor's Island, New York.

THORINGTON, MONROE P. (No. 2673), was appointed from Davenport, and graduated June 14, 1877, No. 33 in his class of 67. He died at Fort Keogh, Montana, September 10, 1878, at the age of 23.

TOWNSLEY, CLARENCE P. (No. 2892), was appointed from Sioux City and graduated June 11, 1881, No. 14 in his class of 53. He was stationed at various military posts until July 27, 1898, when he was made Major and Chief Ordnance Officer, United States Volunteers, in charge Ordnance Office, Department of Havana, Cuba; and



later, Captain of Artillery. He was honorably discharged from the volunteer service May 12, 1899. He is at present Captain, Artillery Corps, Quartermaster's Department, stationed at Ft. Monroe, Virginia.

WASSON, JAMES R. (No. 2370), was appointed from Hartford, Warren county, and graduated June 12, 1871, No. 1 in his class of 41. He resigned July 1, 1872, and became professor of Mathematics in the College Hokkaido, Japan. He afterwards served as Chief Engineer of the Imperial Army of Japan, with the rank of Colonel, and as Professor of Engineering in the Imperial University of Tokyo. He served as paymaster in the United States Army, with the rank of Major, from September 14, 1876 to July 3, 1883, when he was dismissed. Prior to becoming a cadet he had served in the civil war. At the outbreak of the Spanish-American war he tendered his services to the War Department, and served as a private in the Philippines.

WHEELER, WILLIAM B. (No. 2400), was appointed from Albion, Marshall county, and graduated June 12, 1871, No. 31 in his class of 41. After his graduation he was stationed at various military posts throughout the United States, and also served in the Philippine Islands during the Spanish-American war, participating in the battle of Manila, and other important engagements. He is at present Lieutenant-Colonel, 2d Infantry, stationed at Ft. Logan, Colorado.

WHITE, GEORGE PHILIP (No. 3396), was appointed from Plymouth, Cerro Gordo county, and graduated June 12, 1891, No. 12 in his class of 65. He served in the Spanish-American war in Cuba, participating in the battle of San Juan, and the campaign of Santiago. He is at present Captain of Cavalry, Quartermaster's Department, stationed at Presidio, San Francisco, California.

WHITE, HERBERT A. (No. 3624), was appointed from Plymouth, Cerro Gordo county, and graduated June 12,

1895. No. 8 in his class of 52, afterwards performing various military duties. He is at present Captain in the 11th Cavalry, on duty at Ft. Leavenworth, Kansas.

**WILKISS, HARRY E.** (No. 3157), was appointed from Victor, Iowa county, and graduated June 12, 1887, No. 14 in his class of 64. He served at various points in the United States and was for two years on duty with the Iowa National Guard. He also served in the Commissary Department, United States Volunteers, from June 20, 1895, to June 12, 1899, when he was mustered out. He is at present Captain, Subsistence Department, Chicago, Illinois.

**WOOD, ABRAM E.** (No. 2424), was appointed from Iowa City, and graduated June 14, 1872, No. 14 in his class of 57. Before becoming a cadet he served in the civil war from 1861 to 1865, and was engaged at Shiloh, Corinth, Jackson, Meridian, and all the operations of Sherman's campaigns of 1864-65, attaining the rank of Second Lieutenant. After his graduation he was stationed at various military posts, reaching the rank of Captain. He died April 14, 1894, at the Presidio of San Francisco, at the age of 49.

**WOODRUFF, EUGENE A.** (No. 2121), was appointed from Independence, and graduated June 18, 1866, No. 7 in a class of 41, afterwards serving in the Corps of Engineers, where he reached the rank of First Lieutenant. He died September 30, 1873, at Shreveport, Louisiana, at the age of 32.

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#### THE NAVAL ACADEMY.

The list for this institution was compiled at the Navy Department, and sundry references have also been made to the "Navy Register." It is to be regretted that no such comprehensive work as Gen. Cullum's has been published for the Naval Academy.

**BABCOCK, JOHN V.**, entered the Naval Academy September

10, 1897, and is at present an Ensign on the Active List, serving on the Monitor Monterey.

**BAKER, ASHER C.**, entered the Naval Academy from Cedar Rapids, September 30, 1866. He is at present a Captain on the Active List. The past year he has been stationed at the Louisiana Purchase Exposition.

**BEECHER, ALBERT M.**, entered the Naval Academy from Ft. Dodge, June 11, 1880, and rose to the rank of Lieutenant. He died on board the Battleship Maine, November 3, 1903.

**BELL, JAMES R.**, entered the Naval Academy from Keokuk, July 6, 1904, and is at present a Midshipman on the Active List.

**BERRIEN, FRANK D.**, entered the Naval Academy from Clinton, September 5, 1896, and is at present an Ensign on the Active List, serving on the Battleship Kentucky.

**BERRY, FRED T.**, entered the Naval Academy from Logan, June 30, 1904, and is at present a Midshipman on the Active List.

**BLAMER, DE WITT**, entered the Naval Academy from Independence, May 19, 1887, and is at present a Lieutenant on the Active List, serving on the Cruiser Cincinnati.

**BLOCKLINGER, GOTTFRIED**, entered the Naval Academy from Dubuque, July 22, 1863. He is at present a Captain on the Active List, serving at Norfolk, Virginia.

**BOND, CHARLES O.**, entered the Naval Academy from Lehigh, Webster county, September 8, 1886, and his resignation was accepted June 23, 1891. He also served as a Volunteer Ensign during the Spanish-American war, from May 12, 1898, until honorably discharged August 30, 1898.

**BORDER, LEE S.**, entered the Naval Academy from Victor, June 4, 1901, and is at present a Midshipman on the Active List.

**BOWYER, JOHN M.**, entered the Naval Academy from Mt. Pleasant, September 20, 1870. He was promoted through the various grades to the rank of Commander, and is at

present stationed at the Navy Yard, Washington, D. C. **BRIDGMAN, WILLIAM R.**, entered the Naval Academy from Keokuk, November 29, 1859. He served with distinction during the civil war, and rose through the various grades to that of Captain. He died December 15, 1894, while on the Active List.

**BROWN, FORD H.**, entered the Naval Academy from Sioux City, May 17, 1883, and is at present a Lieutenant-Commander on the Retired List, having been retired on June 30, 1904.

**BRUCE, BRYSON**, entered the Naval Academy from Garden Grove, May 8, 1903, and is at present a Midshipman on the Active List.

**CHANTRY, ALLAN J.**, entered the Naval Academy from Malvern, September 11, 1902, and is at present a Midshipman on the Active List.

**CLARKE, CHARLES A.**, entered the Naval Academy from Fairfield, July 21, 1864, and is at present a Lieutenant on the Retired List.

**CONNOR, EDWARD H.**, entered the Naval Academy from Clinton, July 14, 1904, and is at present a Midshipman on the Active List.

**CONOVER, FRANCIS S.**, entered the Naval Academy May 11, 1840, attaining the rank of Lieutenant. He resigned August 11, 1863.

**COWIE, JAMES W.**, entered the Naval Academy from Montezuma, February 25, 1863, attaining the rank of Ensign. He was lost on the Gunboat Oneida, off the coast of Japan, January 24, 1870. He was a son of Hon. George Cowie of Poweshiek county, who afterwards died in Washington, D. C.

**CRAIG, COLIN S.**, entered the Naval Academy from Keosauqua, May 17, 1883, and was honorably discharged June 30, 1889.

**CULBERTSON, WILLIAM L., Jr.**, entered the Naval Academy from Carroll, September 7, 1901, and is at present a Midshipman on the Active List.

- ELSEFFER, HARRY S., entered the Naval Academy October 1, 1874, and died March 21, 1886. He was an Assistant Engineer at the time of his death.
- FLETCHER, FRANK F., entered the Naval Academy from Oskaloosa, September 22, 1870. He is at present a Commander on the Active List.
- FLETCHER, FRANK J., entered the Naval Academy from Marshalltown, September 26, 1902, and is at present a Midshipman on the Active List.
- FOWLER, ORIE W., entered the Naval Academy from Ft. Dodge, September 5, 1896, and is at present an Ensign on the Active List, serving on the Buffalo.
- FRELLSEN, RAYMOND F., entered the Naval Academy from Waterloo, June 29, 1903, and is at present a Midshipman on the Active List.
- GARTLEY, ALONZO, entered the Naval Academy from Cedar Rapids, May 22, 1886, and was honorably discharged June 30, 1892. He also served as a Volunteer Lieutenant during the Spanish-American war, from June 23, 1898, until honorably discharged September 8, 1898.
- GILLETT, SIMEON P., entered the Naval Academy September 20, 1856, attaining the rank of Lieutenant-Commander. His resignation was accepted December 30, 1871.
- GILLMOR, REGINALD E., entered the Naval Academy from Creston, August 1, 1903, and is at present a Midshipman on the Active List.
- HALL, MARTIN E., entered the Naval Academy from Des Moines, September 19, 1865, and is at present a Commander on the Retired List, his retirement dating from June 30, 1900.
- HARTUNG, RENWICK J., entered the Naval Academy from Des Moines, September 6, 1887, and is now an Ensign on the Retired List, having been retired June 20, 1896. He is at present Superintendent of the East Des Moines Schools.

**HASKELL, CHARLES W.**, entered the Naval Academy from Charles City, June 23, 1870, reaching the rank of Ensign. His resignation was accepted March 28, 1879.

**HETHERINGTON, JAMES H.**, entered the Naval Academy from Dubuque, June 9, 1874. He is at present a Lieutenant-Commander on the Active List, serving on the Newark.

**HILL, RICHARD**, entered the Naval Academy from Ft. Dodge, June 29, 1903, and is at present a Midshipman on the Active List.

**HOBSON, JOSEPH B.**, entered the Naval Academy from West Union, July 25, 1865, attaining the rank of Lieutenant. His resignation was accepted October 10, 1880.

**HOLMAN, FREDERICK R.**, entered the Naval Academy from Sioux City, May 19, 1893, and was lost at sea from the U. S. S. Celtic, August 13, 1902.

**HUBBARD, NATHANIEL M., JR.**, was appointed to the Naval Academy at large by President Grant, from Cedar Rapids, September 22, 1877. He resigned August 8, 1883. During the Spanish-American war he served as a Volunteer Ensign from May 10, 1898, until he was honorably discharged November 19, 1898, with the rank of Lieutenant (junior grade).

**HUGHES, WALTER S.**, entered the Naval Academy from Marshalltown, September 24, 1870. He is at present a Commander on the Active List, on duty in the Asiatic Station.

**JAMES, CHARLES M.**, entered the Naval Academy from Grinnell, June 27, 1903, and is at present a Midshipman on the Active List.

**JENNINGS, JOHN C.**, entered the Naval Academy from Cedar Rapids, July 1, 1904, and is at present a Midshipman on the Active List.

**KEMMAN, ARTHUR S.**, entered the Naval Academy from New Hampton, July 5, 1904, and is at present a Midshipman on the Active List.

**KEPPLER, CHESTER H. J.**, entered the Naval Academy from



Iowa City, June 11, 1903, and is at present a Midshipman on the Active List.

**KRAKOW, CARL C.**, entered the Naval Academy from Dubuque, July 3, 1903, and is at present a Midshipman on the Active List.

**LAUMAN, PHILIP G.**, entered the Naval Academy from Des Moines, June 27, 1903, and is at present a Midshipman on the Active List.

**LAWS, GEORGE W.**, entered the Naval Academy from Shenandoah, May 21, 1887, and is at present a Lieutenant on the Active List, serving in the Asiatic Station.

**LOFQUIST, EMANUEL A.**, entered the Naval Academy from Burlington, May 21, 1903, and is at present a Midshipman on the Active List.

**LOMBARD, BENJAMIN M.**, entered the Naval Academy from Shenandoah, September 21, 1881, and was honorably discharged June 30, 1887. He also served as a Volunteer Ensign during the Spanish-American war, from May 24, 1898, until honorably discharged with the rank of Lieutenant (junior grade) on February 11, 1899.

**MCCARTHY, ALBERT H.**, entered the Naval Academy from Des Moines, September 6, 1893, and is at present a Lieutenant (junior grade) on the Active List, serving on the Monitor Florida. Lieut. McCarthy is the son of Ex-Auditor of State, C. G. McCarthy. He saw active and honorable service both in the West Indies and the Philippines.

**MCCRACKEN, ALEXANDER**, entered the Naval Academy from Fairfield, July 27, 1866, and is at present a Commander on the Active List, commanding the Cruiser Des Moines.

**MARIX, ADOLPHUS**, entered the Naval Academy September 26, 1864, and is at present a Captain on the Active List, commanding the Cruiser Minneapolis.

**MAYER, AUGUSTUS N.**, entered the Naval Academy from Des Moines, June 17, 1876, and died March 15, 1901, while a Lieutenant in the Navy.

**MERRITT, DARWIN R.**, entered the Naval Academy September 10, 1891, from Red Oak. He was lost at the sinking of the Battleship Maine in the harbor of Havana, February 15, 1898, upon which he was an Assistant Engineer. He was a son of Hon. W. W. Merritt, of Red Oak.

**MEYERS, GEORGE J.**, entered the Naval Academy from Council Bluffs, May 23, 1898, and is at present a Midshipman on the Active List.

**MONTGOMERY, ROBERT L.**, entered the Naval Academy from Council Bluffs, May 21, 1903, and is at present a Midshipman on the Active List.

**PARKER, FELTON**, entered the Naval Academy November 6, 1876, and was honorably discharged June 30, 1884. He also served as a Volunteer Lieutenant during the Spanish-American war from June 22, 1898, until honorably discharged November 17, 1898.

**PARSONS, ARTHUR C.**, entered the Naval Academy from Keokuk, June 21, 1876, and was honorably discharged, with the rank of Master, June 30, 1883. During the Spanish-American war he served as a Volunteer Lieutenant from June 17, 1898, until honorably discharged January 30, 1899.

**PETERSON, MARTIN J.**, entered the Naval Academy from Des Moines, July 15, 1904, and is at present a Midshipman on the Active List.

**PRATT, PETER L.**, entered the Naval Academy from Spirit Lake, May 19, 1891, and is at present an Ensign on the Retired List, having been retired November 21, 1902.

**PRICE, HENRY B.**, entered the Naval Academy from Burlington, May 20, 1889, and is at present a Lieutenant on the Active List, serving on the Cruiser Lancaster.

**REED, MILTON E.**, entered the Naval Academy from Waukon, September 5, 1887, and is at present a Lieutenant on the Active List.

**REEDER, WILLIAM H.**, entered the Naval Academy from



Muscatine, September 26, 1862, and is at present a Captain on the Active List.

REMEY, EDWARD W., entered the Naval Academy from Burlington, September 26, 1862. He disappeared February 13, 1885, while a Lieutenant on the Active List.

REMEY, GEORGE C., entered the Naval Academy from Burlington, September 20, 1855, and is at present a Rear Admiral on the Retired List, having been retired August 4, 1903. His last service was as Commander of the Asiatic Squadron, the largest fleet ever at sea under an American sailor.

RICHMAN, CLAYTON S., entered the Naval Academy from Muscatine, July 24, 1865, and is at present a Commander on the Retired List, his retirement dating from June 30, 1900.

RYDEN, ROY W., entered the Naval Academy from Des Moines, September 11, 1899, and is at present a Midshipman on the Active List.

SAHM, LEO, entered the Naval Academy from Dubuque, September 28, 1899, and is at present a Midshipman on the Active List.

SCHIPFER, CARL A., entered the Naval Academy from Sigourney, July 15, 1904, and is at present a Midshipman on the Active List.

SHOUP, AUBREY K., entered the Naval Academy from Merrill, Cherokee county, May 21, 1900, and is at present a Midshipman on the Active List.

SMITH, ARTHUR St. C., JR., entered the Naval Academy from Cedar Rapids, September 6, 1893, and is at present a Lieutenant on the Active List, serving on the Cruiser Des Moines.

SMYTH, WILLIAM W., entered the Naval Academy from Marion, September 9, 1899, and is at present a Midshipman on the Active List.

STAFFORD, GEORGE H., entered the Naval Academy from Atlantic, June 10, 1874, and is at present a Lieutenant-

Commander on the Active List, serving on the Cruiser Des Moines.

STEARNS, BEN. W., entered the Naval Academy from Logan, May 17, 1883, and was honorably discharged June 30, 1889.

STOUT, EDWARD C., entered the Naval Academy February 18, 1840, reaching the rank of Lieutenant. He was lost on the U. S. S. *Levant*, September 18, 1860.

SWANSON, ERNEST A., entered the Naval Academy from Mason City, September 23, 1901, and is at present a Midshipman on the Active List.

THOMAS, RAYMOND G., entered the Naval Academy from Monticello, July 27, 1903, and is at present a Midshipman on the Active List.

TOWNSEND, JULIUS C., entered the Naval Academy from Keokuk, September 8, 1898, and is at present a Midshipman on the Active List.

WADDELL, CHARLES, entered the Naval Academy March 14, 1840, and died August 30, 1847.

WALKER, JOHN GRIMES, entered the Naval Academy from Burlington, October 5, 1850. He served actively and with great distinction during the civil war, and reached a high position in the United States Navy. He is at present a Rear Admiral on the Retired List, his retirement dating from March 20, 1897. Admiral Walker is at present at the head of the Isthmian Canal Commission. He is a nephew of James W. Grimes.

WALLACE, JAMES, entered the Naval Academy from Davenport, November 1, 1859, and died February 25, 1864, having reached the rank of Ensign.

WELLS, WILLIAM B., entered the Naval Academy from Newton, May 19, 1894, and is at present a Lieutenant on the Active List, serving at the Naval Academy.

WHELEN, HENRY, entered the Naval Academy from Keosauqua, September 23, 1862, and his resignation was accepted June 2, 1873. He rose to the rank of Lieutenant in the United States Navy.

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WILLIAMS, THEODORE S., entered the Naval Academy from Keokuk, September 26, 1862, and died June 13, 1871, while a Master on the Active List.

YARNELL, HARRY E., entered the Naval Academy from Independence, September 6, 1893, and is at present a Lieutenant on the Active List, commanding the Torpedo Boat Dale.

DES MOINES, IOWA, November, 1904.

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IF ANY of our eastern brethren doubt the fact that we have plenty of fowls, as well as other game for the sportsmen, we will tell them that but a moment ago we saw a flock of wild pigeons light upon the building occupied by the Commissioners to grant pre-emption claims to town lots. Whether they are old settlers and called to obtain certificates, we are not aware, but this fact we feel assured of—if they are, their lots have been “jumped,” and a second application can be made only at the peril of their lives.—*Iowa News (Du Buque)*, June 16, 1838.

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ON WEDNESDAY evening last, Gov. Dodge passed this place, on board the “Irene,” for St. Peters, whither he is going as a commissioner under the Government of the United States, to treat with the Chippewa Indians, for the purchase of their lands lying on the Mississippi and Chippewa rivers. General Smith, appointed in conjunction with Gov. Dodge, has, for what cause we know not, been detained, and will not, we presume, be able to reach Fort Snelling by the time appointed (20th July).—*Iowa News (Du Buque)*, July 15, 1837.

## VOTING WITH THE SOLDIERS IN 1864.

BY CHARLES ALDRICH.

Happening to visit Des Moines in the early autumn of 1864, I met Gov. William M. Stone, and had a brief but very pleasant visit with him. During our conversation he suggested that if I would like to go to an Iowa regiment to take the vote of the soldiers, he would appoint me one of the commissioners for that purpose. A company had gone from Ft. Dodge, with many of the members of which I was acquainted, to the Army of the Potomac. The theory in the formation of the regiment at the start was to make it a composite affair comprising one company from each of a certain number of states; but the effort failed to materialize, the Adjutant General not being authorized to organize such regiments; and when the command was finally mustered in it was christened the 11th Pennsylvania Cavalry, with a dashing soldier, Samuel P. Spear, as its colonel. The Ft. Dodge Company was composed of very excellent men. Franklin A. Stratton was elected captain. He had been educated as a civil engineer and naturally took to soldiering. His record in the army was very creditable. He took part in many actions, and was almost continuously on duty. He was finally promoted to the rank of colonel and mustered out as brevet-brigadier general. He did not return to Ft. Dodge, and died somewhere in the east many years ago. I have always believed him to have been a most excellent gentleman in every respect, high-minded, honorable, and brave, efficient and accomplished as a soldier. I am glad even at this late day to be able to pay a tribute to his memory.

I do not go into this matter of enumerating the officers to any farther extent for the reason that an article elsewhere in this number details minutely the services of the Company and presents its full roster, showing the killed and wounded, as well as the few in the command at its muster out. I am

not aware that this matter has ever been published in the State aside from the old official reports, and it is but simple justice that this gallant command should be placed permanently in our records. I trust that its appearance in these pages will accomplish that purpose.

I reported to the Secretary of State at Des Moines, where I received my instructions, with the poll books, blanks, etc. I also carried tickets provided by each of the political parties. The journey to Washington was without any special incident. I applied at the War Department for permission to visit Gen. Grant's command in my official capacity as "army vote commissioner," and was referred to Maj. Henry Clay Wood (who, I believe, if living, must be a gray-haired colonel by this time), an assistant adjutant general. I found him an exceedingly affable and pleasant gentleman. He gave me the necessary permit, limiting my stay to a certain number of days—five or six. I took the first steamer down the Potomac and up the James, and in due time landed on the point at the junction of the latter stream with the Appomattox. I was not long in finding Charles A. Sherman of Ft. Dodge, who had been promoted to first lieutenant and assistant quarter-master, and had been detailed for duty at the headquarters of Gen. August V. Kautz, the distinguished cavalry leader. "Charlie" was an old political and personal friend, and gave me a most cordial welcome to his tent and mess table. He wanted to vote, and proffered to go out with me the next day to the point where the men were stationed, doing picket duty, far in front.

We were up in the morning very early, leaving camp on horseback as soon as we had taken our breakfast. We crossed the James at Deep Bottom, on a pontoon bridge, and started off in the direction of Richmond, following the old road. This road led across the locality where Gen. Birney's famous charge with his Black Brigade had taken place not many weeks before. This was the charge about which Gen. B. F. Butler so often spoke with his grandest eloquence

Two long lines of breastworks extended from north to south, crossing a little valley in a diagonal sort of way. These breastworks were about four feet high—logs laid up squarely in front with heavy embankments of yellow clay filled in behind. In front of the first line and parallel with it ran a close abattis made of small pines firmly set in the ground; the limbs pointing toward the “Yanks” had been sharpened. Both lines of breastworks were lined with confederates. But Gen. Butler ordered Birney to charge them at daybreak. It seemed a most hazardous undertaking, but everything was in readiness and the black warriors went in with a wild yell. The enemy was ready for them and poured in a hot fire long before the colored soldiers reached the abattis. On reaching this obstruction, the line halted until the ax-men could cut their passage through it, which was very quickly done. The negroes then went forward and the confederates not only fled from their first line of breastworks, but from the second also. It always delighted Gen. Butler to tell how they ran.

But the colored soldiers paid dearly for this terrible charge and its resulting success. The ground on either side of the abattis was thickly strewn with shallow graves, not yet flattened down by the autumnal rains. Here and there one had been dug out—doubtless those of the white officers who had fallen, but whose bodies had been taken to their distant homes.

We took this all in as we jogged along in the pleasant November morning. From this point we now struck into “the Long Bridge road,” which led off through thick, grand old pine woods toward Richmond. This was an ancient and very narrow road, which had never been used very much, or had been long abandoned. It was very crooked, and at many points nearly choked up with briars and brush. But it was lined with our pickets. These men were stationed at such frequent intervals that each could see the one next ahead. They were all mounted, sitting motionless and mute



with their carbines cocked—the very impersonation of alertness and vigilance. It certainly looked very much like war to see these grim soldiers peering into the woods, as if in momentary expectation of seeing the approaching enemy. But we finally reached the most advanced picket post, where we found Col. Spear and a company of cavalymen. Lieut. Sherman introduced me to the colonel, stating the errand upon which I had come. After a hearty and most cordial greeting, I waited a moment to hear what the colonel might say. He spoke in an instant, about as follows:

“Well, young man, if you are going to do anything here you had better get about it — quick! You don’t know the peril you are in at this very moment! That line of trees over yonder (across a meadow or pasture, and not more than 40 or 50 rods away) is full of ‘Johnnies,’ and they may open fire upon us at any minute!”

“All right, colonel! Here goes!”

An election board was quickly appointed “by the commissioner” from the soldiers (as the law stipulated), and a cigar box fitted up for a ballot box. The men were brought in as quietly as possible, and in less time than one can imagine our votes were all in and canvassed. We were not disposed to linger an instant, and Lieut. Sherman and I mounted our horses and started for the rear. A very young second lieutenant by the name of Oscar Matthews, from Dickinson county, returned with us. He was a pleasant, handsome boy. He had been in many battles, and the little black horse which he rode had not yet recovered from an ugly bullet wound in the side—and had other scars besides. He was very attentive to us and showed us many interesting objects along our route. At the battle of Five Forks the poor fellow was shot dead while leading his men in a charge.

The sky was cloudy on our return past the long line of pickets, and the air seemed full of the portents of battle. At one place we passed an old corral, on a low hillside, about which there had been many camp fires. Later in the

day a skirmish occurred here (as Lieut. Sherman informed me afterward), in which several men were killed on either side. Our route out and back also crossed another battle field—that of the second Malvern Hill. Here there was an open field of probably fifteen acres, mostly covered by an apple orchard, and a decayed farm house stood on the east side. A ravine ran along the north and east sides of the field. It seemed that the confederates occupied the field, and that a hard struggle had taken place for its possession. Our forces had fought their way out of the ravine, digging rifle-pits in a zig-zag sort of way up the steep incline. The great pines in the adjacent woods showed hundreds of the scars made by shot and shell. Some had been felled by cannon balls, and others splintered as from a stroke of lightning. In the midst of the orchard several Union soldiers had been buried. But how? They had simply been laid together on the ground, a rubber blanket spread over them, upon which six or eight inches of dirt had been hastily piled! Two or three skulls had been rooted out by swine, and some of the feet also protruded. The flesh, had, however, disappeared, and we only saw the bleaching bones. As we went down into the ravine the young lieutenant requested us to turn out a few steps into the brush. Here a cavalry corporal had fallen, and been left without burial. The cap was still upon the fleshless skull, the visor down over the eyeless sockets. He fell upon his back, and had never been disturbed. The hogs had not found the body.

But we pressed rapidly forward and reached camp a little after noon. (The polls did not keep open until 6 o'clock at that election, however explicit the general law may have been.) I was informed that we were within less than eight miles of Richmond, the spires of which could be plainly seen from a point quite near by. I have always supposed that "my election" was held nearer the front, and in closer proximity to actual peril, than that organized by any other army vote commissioner. Meeting my pleasant, white-haired



friend, Sherman (lieutenant and A. Q. M.), not long since, brought all these circumstances freshly to my mind, and I determined to write out my recollections of the election of 1864.

My permit gave me still several days to remain. I improved them by seeing as much as possible of camps and operations of the great army which finally captured Richmond. We rode along the lines out toward Petersburg, and visited the Dutch Gap canal, which Gen. Butler was then excavating. At several of these batteries the great guns were booming—throwing shells in the direction of the enemy. Inside of our breastworks there were many bomb-proofs, which looked to me as though they would be very safe retreats in the face of a hot artillery fire. Many of the divisions had erected their winter quarters. These consisted of houses or cabins made of pine logs from 6 to 12 inches in diameter with half a foot of Virginia clay piled on the roof to keep out the rain. All had a most cozy, comfortable appearance—especially the better quarters erected for the officers. In that region, owing to the great amount of rainfall, and the impervious character of the soil, the land is plowed with “dead-furrows” about every ten feet to allow the water to run off. Often a field, completely exhausted by tobacco culture, had been abandoned, with these “dead-furrows” remaining. I was surprised to see many such old fields given back to the forest, and densely covered with tall pines, a foot in diameter, the “dead-furrows” as distinct as though the land had been plowed into ridges the day before! It was certainly a novel feature of the forest to one from a prairie state. But “dead-furrows” in that tenacious clay would doubtless last as long as if they had been carved out of some of our softer rocks. The army was then very quiet, and it seemed to me that after so much hard fighting in getting into its position, both officers and men were making themselves very comfortable.

## MRS. ADA E. NORTH.\*

BY JOHNSON BRIGHAM.

The subject of this brief sketch, though seventh in Iowa's official list of State Librarians, was first to stamp the impress of individual service upon the history of the State. Between the first territorial librarian, Theodore S. Parvin, and the seventh State Librarian, the service rendered by the several incumbents was incidental and temporizing—with the one single exception of that performed by Mrs. North's predecessor, John C. Merrill, whom death cut short his usefulness after three resultful years.

Mrs. North's administration was characterized to a remarkable degree by vigor and judgment in organization, discrimination in the use of the limited funds placed at her disposal and a gentle courtesy which gave new dignity to the position she so well filled.

With almost none of the many present helps to librarians, Mrs. North by correspondence and personal visitation made herself thoroughly acquainted with the progress then well begun in library science and, so far as seemed to her wise and practicable, applied her knowledge to the improvement of the State Library as an aid to lawyers, legislators and the public generally.

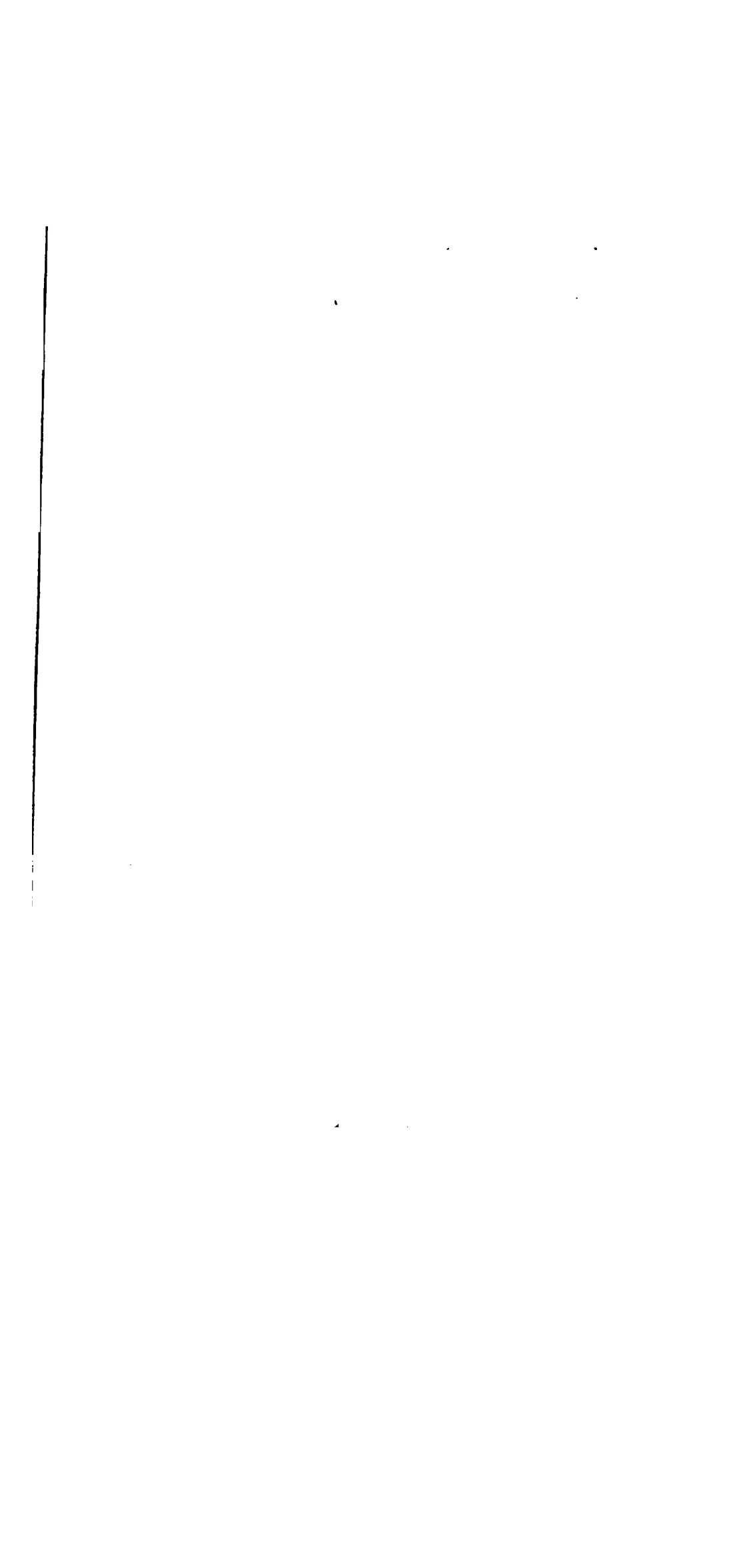
But Mrs. North was not content with faithful and efficient service in the library. She was quick to grasp the modern idea of library service. To her mind libraries maintained by the people were for the people and not for a privileged few. She gladly availed herself of the opportunity cheerfully accorded her by the Clarkson Brothers to use the columns of *The Iowa State Register* for the dissemination of information as to the uses which might be made of public libraries and the duty of the State toward these invaluable adjuncts to the education of the schools.

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\*This tribute to Mrs. North appeared in the 29th Biennial Report of the State Librarian, Mr. Johnson Brigham.



MRS. ADA E. NORTH,  
State Librarian. 1871-1878; Librarian of the Iowa State University, 1879-  
1892; died in Des Moines, January 9, 1899.





It was long her dream to organize an association of librarians in Iowa, but not until she had been transferred to another field of labor was the dream fulfilled. Finding in the late T. S. Parvin, of Cedar Rapids, Curator Charles Aldrich, of the Historical Department of Iowa, and Capt. W. H. Johnston, now of the Iowa Library Commission, the sympathy and support she sought, in 1890 Mrs. North by correspondence and personal effort succeeded in organizing the Iowa Library Society, the lineal predecessor of the present influential Iowa State Library Association. Prior thereto Mrs. North had attended two annual conferences of the American Library Association, one at Milwaukee in 1886, the other at St. Louis in 1889, and the editorial pages of the *Library Journal*, the organ of that Association, attest the impress this brave, true woman had made upon that body. For twenty-one years, from 1871 to 1892, this pioneer librarian of Iowa dreamed, planned and worked for the inauguration of the library movement now grandly sweeping over our State, and it is surely fitting that in this splendid era of fulfillment the name and career of this Prophet of the New Day should be honored by those who are enjoying the fruits of her labors.

The career of Ada E. North may be outlined as follows: Born in Alexander, New York, November 19, 1840; married in Des Moines, Iowa, in 1865, to Maj. George J. North, military secretary, afterwards private secretary to Gov. W. M. Stone; left a widow in 1870; in 1871 appointed State Librarian by Governor Merrill; re-appointed by Governors Carpenter and Kirkwood respectively; relieved by Governor Gear in 1878 (the office then being in politics); after a brief interval appointed city librarian of Des Moines; in 1879 chosen librarian of the State University at Iowa City; in 1892 compelled by failing health to relinquish her post; an invalid and a sufferer most of the time for nearly seven years thereafter; on the 9th of January, 1899, her spirit found release in death.

Her venerable father, Rev. Milo N. Miles, survived her but a brief time. Her son, Mr. Howard M. North, is at present roadmaster for the Southern Pacific Railroad at Los Angeles; her daughter is married and resides in South Dakota. Three brothers survive her, two residing in Des Moines, the other in Nebraska.

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INDIAN TROUBLES AGAIN.—The settlers on the border, in the Northwestern counties of the State, are again alarmed on account of the recent appearance and depredations of Indians in that quarter. Many immigrants destined for Dakota Territory and the little Sioux valley have turned back and sought homes in the valley of the Des Moines. The first act of the great Indian expedition fitting out at Sioux City should be to exterminate these infernal savages before ascending the Missouri river in search of Indians beyond the limits of white settlements. A massacre is feared at Peterson and other settlements along the valley of the Little Sioux. We trust however that the present excitement may prove a false alarm and that Northwestern Iowa may be permitted to receive and retain the immigration which, were these apprehensions removed, would flow into her beautiful valleys and spread over her fertile prairies.—*Ft. Dodge Republican, May 4, 1864.*

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I CONSIDER the discovery of America as the opening of a grand design in Providence for the emancipation of mankind all over the earth. The Union is our rock of safety, as well as the pledge of our grandeur. A prospect into futurity in America is like contemplating the heavens through the telescope; objects stupendous in magnitude and motion strike us from all quarters, and fill us with amazement.—*John Adams.*

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# ANNALS OF IOWA.

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## EDITORIAL DEPARTMENT.

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### CLOSE OF VOLUME VI.

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This number of *THE ANNALS* completes the twelfth year of its publication under my supervision. The issues now fill six biennial volumes of nearly 4,000 pages. I trust that I may be indulged in a brief retrospect of my labors as its editor, and of the work it has aided in accomplishing. Up to the time the Historical Department was organized in 1892, very little sentiment existed in our State favoring the preservation of the materials of Iowa history. This had been urged for many years by Hon. Theodore S. Parvin, Mrs. Ada E. North, Capt. W. H. Johnston, the writer, and others, in the public press. But progress for a long time was very slow. The work was taken up in *THE ANNALS* from the first. Articles detailing the experiences of eye-witnesses in our early days were solicited and published, with biographical sketches and portraits of men prominent in those times. It was at first quite difficult to procure such articles as were desired, and for awhile even the best that could be obtained attracted little attention. But gradually a spirit of genuine appreciation has been awakened, we now have a wide circle of deeply interested readers, and many things are copied from our pages into the columns of leading Iowa journals. We are of the opinion that writers in the future will look to these pages for many points of Iowa history. The papers of Governors C. C. Carpenter and Wm. Larrabee, Gen. G. M. Dodge, Hon. John A. Kasson, Rev. Dr. William Salter, Judge George G. Wright, Maj. S. H. M. Byers, Prof. F. I. Herriott, Major Hoyt Sherman, George C. Duffield, Tacitus Hussey, Col. C. H. Gatch and many others, contain a world of precious information to be found nowhere else. He who writes in the future of the "Spirit Lake Expedition," of our "Forts and Encampments" in territorial times, of "Steamboating on the Des Moines River," of the "Great Flood of 1851," of the long and acrimonious struggle to build the new capitol of Iowa, of the pushing of settlements into newer regions, the operations of the claim clubs in land-office days, the "war" between Iowa and Missouri over the boundary question, and scores of other important episodes in our history will come to these pages for facts and suggestions. I cannot but regard *THE ANNALS* as the most important auxiliary in founding the Historical Department of Iowa, now so grandly recognized in the erection of the magnificent edifice where the State's varied treasures of literature and art will be housed. It has brought to the Department exchanges with valuable historical periodicals throughout the United States, Canada, and to some extent abroad. It has also brought us ex-

changes with 300 Iowa journals, which are placed in substantial bindings at regular intervals, the volumes now numbering over 3,000. It is heartily appreciated in the libraries of our cities, colleges and schools, as well as by an increasing number of intelligent people. There is a constant demand for copies of the work for permanent preservation. I have simply aimed to present in comely, old-fashioned style, in plain printing, with no attempt at ornamentation, as much of the materials of Iowa history as I have been able to obtain. Beyond this main purpose, and the general influence which such a periodical ought legitimately to wield, I have had no ambition. The volumes have gone to the public upon their own merits. Their kindly reception by the intelligent people of Iowa is the amplest reward that one could covet. If health and life are spared me, I hope to add other volumes to this series.

CHARLES ALDRICH,  
Editor of THE ANNALS OF IOWA.

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### THE IOWA MOUNDS.

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First and last there has been, if not exploration, at least a great deal of digging into the Iowa mounds and ancient Indian graves. Aside from the work of the Davenport Academy of Sciences, and of a very few individual explorers here and there, these disturbances of the soil had better never have been made. Such work should be performed comprehensively, under intelligent, systematic direction, and its results carefully saved for our schools and museums. There should be a prohibition upon that sort of exploration which would carry away to other States, or to private collections, such discoveries as may chance to be made. Our Iowa museums and schools have need of all the materials that can be procured from these sources. It is a matter of profound regret that some of the most precious finds thus far made in this State have been taken beyond its borders for the benefit of other communities. But there has not only been no means of preventing such results, but explorations are expensive, and those who could perform the work in a proper manner have not been supplied with the requisite funds.



A new impetus has been given to thought on this subject by the opening of a mound on the bank of the West Okoboji Lake last October. The first explorers unearthed six skeletons, two or three iron tomahawks, a little bell, and some copper ornaments, beads and stone implements. These discoveries were fully reported in the papers and created a wide interest at the time. At this stage of affairs the Iowa Anthropological Society took up the subject and sent Dr. Duren J. H. Ward of Iowa City to Okoboji to explore the mound. His men plied their spades nearly a week, removing in the meantime a mass of clay six feet deep and thirty feet square. Below the first finds there were many human bones, which would seem to have been gathered together for burial at this spot. Dr. Ward gave to the public an interesting account of the excavation and what he found in the mound.

About the same time several old and long abandoned Indian graves were discovered in the southeast part of the city of Des Moines. These graves were in a bed of sand which was being hauled away for the use of iron moulders. Among the finds were several much decayed skeletons, a number of small bells, copper bracelets, a great variety of beads, an old-fashioned glass bottle, with traces of other objects. A few of the beads were made from marine shells which had been brought from long distances. These items have been carefully cleansed and will be preserved for more particular examination hereafter. Several of these old burial places exist in Polk county.

Many mounds and ancient graves have been explored with gratifying results in several of our river counties. So much has been done in this direction in Allamakee that at one time there was quite a traffic in aboriginal pottery, stone and bone implements. There were evidently large communities of mound builders in the valley of the Des Moines. While mounds in all parts of the State have been explored in a way, there must still be many which have never been

disturbed. The results thus far indicate that there are many facts concerning these mounds and old graves which are not yet understood, and that they promise to yield abundant material to the systematic explorer.

And then, if two or three interesting groups of mounds can be found which have never been disturbed they should be preserved intact to coming times. For the most part these groups are located on timbered bluffs where the acres are not valuable, but properly cared for they will never cease to be objects of deep interest. These purposes might well be carried out under the general direction of the Anthropological Society of the State, aided by the State, and once on foot, no one would begrudge the small expense.

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#### THE EARLY HOME OF JAMES W. GRIMES.

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The frontispiece of this number of *THE ANNALS* was engraved from a recent photograph of the birthplace of Governor and United States Senator James W. Grimes. It is said by those who have seen it to be a faithful picture of this typical New Hampshire farmer's home, where the illustrious Iowa Senator was born and where he spent his boyhood. We are indebted for this courtesy to Capt. Elbridge D. Hadley, of Des Moines, who passed his boyhood in that vicinity. In his "Life of James W. Grimes," the Rev. Dr. William Salter has the following paragraph referring to the Grimes family and their home:

He was the youngest of eight children, of whom one died in infancy; the others survived him, except a sister, Susan, who became the wife of Mr. Alden Walker, and died October 31, 1846. She was the mother of Captain John G. Walker, United States Navy. Being thirteen years older than her brother, she assisted very much in the care of his childhood. Through life he cherished a grateful recollection of her kindness, and regarded her children with peculiar tenderness and affection. His father, whom he resembled in temperament and appearance, was a substantial farmer, a man of unpretending goodness, warmly attached to his family, hospitable and kind to all, of thrifty habits, and highly esteemed among

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his neighbors and in the surrounding region for sterling integrity and worth. His mother was a woman of energy and determination, and gave herself to the duties of home with careful industry and devotion. The happy parents lived together more than half a century, the mother dying in 1850, and the father the next year. His father's farm was situated in the northern part of Deering, about two and a half miles from the village of Hillsborough Bridge, upon the broad expanse of a hilltop that affords an extensive outlook over the valley of the Contoocook, and far away to distant hills that ennoble the landscape on every side. In 1806, the house which his grandfather built in the early settlement of the town gave place to a large two-story double house, erected by his father. Here was his birthplace. A short distance down the road was a district schoolhouse, where the child mingled with his mates in study and play. The town of Deering had ten school-districts, each with a schoolhouse, and possessed a social library.

Capt. John G. Walker, who rose to the rank of rear-admiral, was placed upon the retired list of the United States Navy March 20, 1897. He is now (January, 1905) serving at the head of the Panama Canal Commission. He entered the Naval Academy as a cadet from Burlington, Iowa, in 1850, graduating four years later.

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#### NEW PUBLICATIONS.

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*The Evolution of the Constitution of the United States of America and History of the Monroe Doctrine.* By John A. Kasson, LL. D., pp. XVIII, 273. Boston, Houghton, Mifflin & Co. 1904.

*Party Organization and Machinery.* By Jesse Macy, pp. XVII, 299. New York, The Century Co., 1904.

The evolution of the fundamental law governing our national government, determining its work and powers and its relations to its constituent states, is a story of perennial interest and instruction. In 1887 the centennial anniversary of the adoption of the constitution was appropriately celebrated at Philadelphia. The committee in charge of the arrangements asked a distinguished Iowan, Mr. John A. Kasson, to prepare an account of the growth and preparation of the constitution. His exposition was not an ordinary, perfunctory performance, consisting of vapid prosaic platitudes and oratorical fustian that often goes under the name of patriotism. On the contrary Mr. Kasson presented a dissertation that exhibited not only a wealth of historical knowledge of colonial and revolutionary times, but a rare discernment of the vital causes, the determining conditions and the converging forces that evolved in the adoption of the great charter of the American commonwealth. The fruits of his labors



were printed in the large handsome volumes in which the report of the centennial commission was published. These, however, were more or less inaccessible to the general reader and the edition has long since been exhausted. The worth of his work was so great that Houghton, Mifflin & Co. have brought out a new and popular edition, revised but slightly. Mr. Kasson's readers and friends cannot but regret that this decision was not reached years ago, as we are afforded a narrative that gives us in short compass a thoroughly interesting and instructive account of the evolution of the constitution.

Mr. Kasson tells the story somewhat after the fashion pursued in some of our most successful and enjoyable biographies. The chief events, their significance and bearing upon the course of things, are told in large measure by the chief actors themselves who have played the roles. Apt, pithy quotations from speeches, letters, diaries, journals, and contemporaneous public prints are skillfully woven together in a lucid, limpid narrative that gives his readers a fascinating account of the great drama enacted by our forefathers in those critical days between 1776 and 1787. The reader easily advances unhampered by numerous citations of authorities; no ponderous and learned footnotes distract his mind. The occasion for the original presentation of the subject naturally induced a certain exaltation of spirit on the part of the author and it gives a fervor and tone to the story that lifts one up into the higher ether. But it is the lofty sentiment and the appeal of the scholar and the statesman who knows his country's true greatness, not the cheap and tawdry mouthings of the charlatan.

But we misrepresent the volume before us if the impression is given that its contents deal chiefly with the intangible things of spirit and patriotic sentiment. The study is exceedingly concrete. Mr. Kasson exhibits the various stages in the evolution of the constitution with no little detail. He takes up and discusses seriatim the several articles and the circumstances affecting the adoption and significance of their important provisions. The volume is at once a handy manual and a commentary upon the constitution. It will stand well beside the histories of Bancroft, Fiske, McMaster and Wilson.

But the literary theory respecting the scheme or structure of government and its general powers and jurisdiction is one thing and its actual conduct or administration may be and usually is an entirely different matter—and amidst the infinite crisscross of physical and social forces a constantly changing matter. In the main, the evolution of our national government has gone along lines planned by the founders, but in various directions the developments have put to naught the purposes of the fathers. One of the developments unforeseen by the constitutional convention in 1787 was the rise of political parties and their dominance in the operations of our national and state governments.

Ours has come to be a government by public opinion. The organ by which this dynamic force in society and government is chiefly organized,

made audible and effective is the political party with its candidates and platforms, with its party machinery and campaigns. The tremendous influence for good and for ill in our communal, state and national life of this organ or instrument of democracy would have been inconceivable to the wise men of a century and a quarter ago; and familiar though we are with its multifarious forms, powers and workings, most persons who reflect much upon the problems of government are doubtless perplexed beyond expression at the manifestations and significance of political parties in these days. Much attention has been given this subject since Mr. Bryce first published his studies of our party machinery in 1888. Many partial sketches and a few extended studies have been published, notably those by Professors Goodnow and Woodburn and by Messrs. Ford and Ostrogorski. Henceforth must be included this volume on "Party Organization and Machinery" by our well known publicist, Professor Jesse Macy of Iowa College at Grinnell. It is one too that students must reckon with for two reasons, first, because of the acute discussions of political parties and the significance of their peculiar developments, and second, because of the valuable data it contains that the author has gathered from extensive investigations in party activity and procedure in various states. After setting forth the part played by the national political party as the great "Unifying Agency" in our Federal State he analyzes presidential and congressional leadership and the work of the national and congressional committees. Then follows an exposition of party organization in Pennsylvania, Massachusetts, Indiana, Missouri and in the South. The concluding chapters deal with the effect of parties upon city politics, with Party Finance and the various social and civic influences exerted by parties. The recent landslide disturbs some of Professor Macy's assignments, namely, the case of Missouri as a type of the fixedly democratic state. Nevertheless his general observations respecting its political characteristics are in no wise invalidated. Professor Macy will probably encounter some dissent from his opinion respecting the dominant position and influence of national parties in state and local affairs. It is an interesting debatable question.

F. I. H.

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*Words of Life for 1905. Selected and arranged by Dr. William Salter. Burlington, Iowa: E. C. Gnahn, 316 Jefferson Street, Mauro & Wilson, 401 Jefferson Street.*

This attractive volume includes more than two hundred selections from writers in the ancient and modern world, from Pythagoras and Plato to Channing, Emerson, Longfellow, Lowell, Tennyson, George Eliot, Daniel Webster, Dean Stanley, Beecher, Phillips Brooks, Sabatier, Harnack, and many others. He wisely quotes from James W. Grimes in opposition to slavery extension and to the impeachment of President Andrew Jackson. While many literary and historical efforts have engaged the attention of Dr. Salter, we regard this as one of his most tasteful and commendable efforts. It will delight his troops of friends everywhere. Sold by the booksellers for \$1 per copy.



generous of friends wherever his friendship was bestowed. He was the first executive officer who signed an official paper relating to the founding of the Historical Department, though he was not the first to commend it to the fostering care of the legislature.

JOHN H. CHARLES was born in Lancaster county, Pennsylvania, January 19, 1826; he died in Sioux City, Iowa, December 1, 1904. During his infancy his parents removed to Mifflin township, Ashland county, Ohio, where they settled on a farm and where he grew up to manhood. At the age of 15 he began to learn the trade of a carpenter, at which he worked during the next nine years. In 1850 he left his home to seek his fortune in California. The route to the far west in those days was via the Ohio and Mississippi rivers. Mr. Charles embarked on one of the river steamboats for St. Louis, where he stopped a few days before starting upon the long overland journey. The party which he joined outfitted at Independence, Missouri, where they procured twenty-one wagons and teams of four yokes of oxen to each wagon. Each wagon carried four men, their provisions and baggage. After some days together this cavalcade divided into several parties, each taking such route as pleased them best. This course was deemed prudent in order to be certain to find grass for the animals, and perhaps there were other reasons. After a stay of six months in California, where the young man by prospecting for gold and by hard labor accumulated \$1,000, he returned to the east. His next venture was the purchase of 100 cows for the California market. Two other men joined him with the same number of animals, and together they made the overland journey, living in a covered wagon. The cows cost \$17 and were sold at \$80 per head, netting the enterprising men handsomely. Mr. Charles gave some time to various business enterprises, but settled in Sioux City in December, 1856, where he remained to the end of his days. He was engaged in merchandizing and steamboating on the upper Missouri until the year 1900. While he became widely known from his large business interests, his claims to a permanent place in the annals of Sioux City and the State of Iowa rest upon his useful and patriotic labors in other directions. Every public interest of Sioux City found in Mr. Charles a most active and intelligent supporter. He was a pioneer in the founding and development of its Scientific Association, its growing public library and its various schools. But the crowning work of this grand old man was the organization of the movement to erect the famous monument, on a bluff overlooking the river and the city, to the memory of Sergeant Charles Floyd, of the Lewis and Clark Expedition, who died there August 20, 1804. That he had the aid of many earnest and distinguished workers, is true, but without his energetic and patriotic efforts from the first step to the last, the monument would not have been built. He secured the aid of Congress, and of the State Legislature, as well as most important assistance in Sioux City. In the inception and development of the wide-spread interest in the Lewis and Clark Expedition the erection of that monument, and the discussions to which it gave rise, in the opinion of the writer, were no inconsiderable factor. And now that he has passed away in the fulness of years and usefulness, a tribute in enduring bronze to the man and his labors should be placed upon this imposing and beautiful monument. Said *The Sioux City Journal* of December 3, 1904: "The home life of John H. Charles has been extremely pleasant, and the Charles home has always been a hospitable one. Kind and gentle as a husband, loving and considerate as a father, true and constant as a friend, and patriotic and energetic as a citizen, John H. Charles was an exceptional man, admired and loved by all. He always loved Sioux City, and Sioux City always loved him."

HARVEY J. SKIFF was born in Allegany county, New York, in 1821; he





*Edw. B. Thayer*

JUDGE EDWARD B. THAYER,  
Pioneer Iowa journalist, founder of *The Clinton Age*.



died at Newton, Iowa, November 12, 1904. He was educated at the Academy in Wyoming, New York, and later attended Amherst College, Massachusetts, from which he graduated in 1846. He studied law in the office of Fillmore & Havens in Buffalo. (The senior member of this law firm was Millard Fillmore, afterwards President of the United States.) Mr. Skiff migrated to Iowa, reaching Oskaloosa in 1849. He removed to Newton in 1851, where he engaged in the practice of the law, in which he continued until 1861, when he enlisted in the army, becoming a member of Co. B, 13th Iowa Infantry. This was the regiment organized and commanded by Col. M. M. Crocker. Mr. Skiff was in the service three years, serving most of the time as Captain of the Company. After his return he engaged in mercantile pursuits, his hearing having failed so that it was impossible for him to practice his profession as a lawyer. He was chosen a member of the Constitutional Convention of 1857, and is believed to have been the last survivor of that body, instead of the late Dr. John J. Selman, as heretofore erroneously stated. The proceedings of the Convention show that he was a prominent and useful member of that body. It was related of Mr. Skiff that he had a passage at arms in court with the eccentric Judge C. J. McFarland, who proceeded to fine him because he would not obey an order of the Court to "sit down." Deeming himself in the right at the time the young attorney replied—"Fine and be ——!" Judge McFarland then ordered the sheriff to arrest him and take him to Des Moines for confinement in jail. The Judge soon ascertained that he could not find officers enough in Jasper county to take Harvey Skiff to Des Moines, for the reason that the people would not permit it. The Judge did not insist upon his order, and the matter blew over. He was a student and a man of wide culture and information. It is stated that he led the opposition to keep the word "slave" out of the constitution of the State. His later years were marked by great quiet, due perhaps to the loss of his hearing. To the end of his days he enjoyed the highest respect of the people of Newton and Jasper county. After the foregoing was put in type, it was learned that Hon. Aylett R. Cotton was residing in California during the past year or two. He was chosen to the Constitutional Convention of 1857, but was not present at its close. He signed the Constitution in Des Moines at the quarter-centennial in 1882. If living, he is also the senior surviving ex-speaker of the Iowa House of Representatives.

EDWARD H. THAYER was born at Windham, Maine, November 27, 1832; he died at Clinton, Iowa, November 7, 1904. He attended school at Orono, Maine, and graduated from the East Corinth Academy in 1850. When he reached the age of eighteen he came to Cleveland, Ohio, where he read law and was admitted to the bar. While in Cleveland he also attended medical lectures and did local work on some of the newspapers of that day. He was one of the first shorthand writers in that section of the country. He reported speeches by Stephen A. Douglas, Lewis Cass, Horace Greeley, Sam Houston, Louis Kossuth, Gen. Scott, and other distinguished gentlemen. It is said that he reported Gen. Scott's speeches in which he spoke of "the rich Irish brogue" and "the sweet German accent." Removing to Iowa in 1853 he first settled in Muscatine, where he practiced his profession three years. In 1855 he was elected prosecuting attorney, and two years later county judge. This was under the old law, when the county judges were supreme executive authorities in their counties. Two years later he was reelected. He was a delegate to the Democratic National Convention of 1860, where he supported Stephen A. Douglas for the presidency. He established *The Muscatine Courier* in 1861, and in 1868 founded *The Clinton Age*, with which he was connected to the end of his days. From the establishment of *The Age* he became one of the commanding influences in the city and county of Clinton and throughout eastern Iowa. For many years he was an influential promoter of railroad interests in

that portion of the State. He served as a representative in the General Assembly of 1874, and in that year was a delegate to the Democratic National Convention, where he supported Samuel J. Tilden for the presidential nomination. In the convention of 1884, to which he was a delegate at large, he was a warm advocate of the nomination of Grover Cleveland. He presided over the Good Roads Convention in Chicago in 1892. In that great movement he was a leading actor for many years. He was long a working and deeply interested member of the school board of Clinton. Governor Kirkwood appointed him a trustee of the State Normal School. He was one of the trusted men of his party throughout his more than fifty years in Iowa, one who always enjoyed the fullest confidence of the opposition.

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SEYMOUR DWIGHT THOMPSON was born in Will county, Illinois, September 22, 1842; he died at his home in East Orange, New Jersey, August 12, 1904. At the breaking out of the civil war he enlisted in Company F, Third Iowa Infantry, at West Union, Iowa. He was soon appointed First Sergeant, serving in that capacity something over two years. In 1865 he was commissioned Captain of Company I, Third United States Heavy Artillery, in which rank he was mustered out at the end of the war, when barely twenty-one years of age. In 1868 he was admitted to the bar at Memphis, Tennessee. From 1881 to 1893 he was associate judge of the St. Louis Court of Appeals. He removed to Brooklyn, New York, in 1898, and opened a law office in New York City. Judge Thompson became pre-eminent as a law writer. His works are accepted as standards by the legal profession everywhere. He also wrote "Recollections with the Third Iowa Regiment," which was published in 1864. He had it in contemplation to revise this work for another edition. He was appointed by President Roosevelt a delegate to the Congress of Law and Jurists which met at St. Louis, in September. The law journals of the United States and Canada for September, 1904, presented elaborate notices of the life and works of this illustrious Iowa soldier, jurist and author. *The Chicago Legal News* concluded its article as follows: "Perhaps the whole life of Seymour D. Thompson may be summed up by saying that he preserved in an age steadily tending to moral compromises and the obliteration of the essential distinction between right and wrong, the integrity of the old Roman; that he illustrated in his every act and thought the best principles of American democracy; and that his success in his chosen profession clearly shows that ability and industry, coupled with high character, still triumph, as they have always triumphed, over the most adverse circumstances."

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AARON BROWN was born in Marion county, Mississippi, June 7, 1822; he died in Mitchellville, Iowa, July 2, 1904. His father was a southerner and a slave-holder, but about 1825 removed to the north and freed his slaves. A brother became a free state candidate for the Kansas legislature and was brutally murdered on election day, on account of his anti-slavery principles. In 1844 Aaron Brown removed to Michigan and began the study of medicine. In 1849 he made the overland trip to California and remained there until 1852, when he located in Fayette county, Iowa, which was for many years his home. At the outbreak of the war he enlisted in Company F, Third Iowa Infantry; on the organization of the Company he was elected Second Lieutenant; in 1862 he was promoted to the Captaincy. In 1863 he was chosen Colonel and commanded the regiment through the siege of Vicksburg and led the attack on Jackson, Mississippi, where he was wounded. He was also wounded at the battle of Blue Mills Landing in September, 1861. Dr. Brown was a member of the State Senate in the 6th and 7th General Assemblies, and a member of the House in the 12th and 13th. He was Register of the State Land Office for two terms, including

the years 1871-74. In writing of him, Col. G. W. Crosley says: "As soldier and citizen his record is without a stain, and in the history of Iowa his name deserves a prominent place." When Col. Brown fell wounded at Jackson, Mississippi, Col. Crosley, then Major of the regiment, took his place in leading the terrible charge.

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CHARLES W. IRISH was born in New York City, February 11, 1834; he died at Gold Creek, Nevada, September 27, 1904. He was a pioneer settler in Iowa City, a brother of Hon. John P. Irish, the well-known Iowa legislator, who removed to California several years ago. Gen. Charles W. Irish was by profession a civil engineer. In this capacity he was connected with the projection and laying out of many lines of railroad in this and surrounding states and farther west. He was especially distinguished as a friend of the State University, to the collections of which he was one of the most liberal contributors. Under President Cleveland he was chief of the Bureau of Irrigation, and at one time deputy mining surveyor of Nevada. He organized the Iowa Engineering Society, and the Agassiz Natural History Society of Iowa City. Latterly, and at the time of his death, he was the general manager of some of the great mining interests in Nevada. Many years ago he was city engineer of Iowa City, and the first county surveyor of Tama county. His life was full of useful works which were continued to the end of his days. Several of the leading Iowa journals in the last days of September and the early days of October gave liberally of their space to biographical sketches of this useful and eminently distinguished man.

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GEORGE FRAZEE was born in New York City, April 1, 1821; he died in Burlington, Iowa, December 8, 1904. In 1843 he removed to Danville, Kentucky, where he studied law and was admitted to the bar. In 1849 he settled in Burlington, Iowa, which place has since been his home. At the time of his death he was the oldest member of the Burlington bar. He had held many important offices, having served as justice of the peace, United States court commissioner, collector of customs, and judge of the police court. For many years, including the period of the early sixties, Judge Frazee was an editorial writer on *The Burlington Hawkeye*. He was the author of several pamphlets; the best known being "Our Judges," sketches of the judges of the first judicial district of Iowa, from the territorial organization to November, 1895. He wrote for *THE ANNALS* (Vol. IV, pp. 118-137) a detailed and highly interesting account of a "Fugitive Slave Case," in Burlington, Iowa. He was also the author of a pamphlet giving an account of another Iowa fugitive slave case, which was copied in full in *THE ANNALS* (Vol. VI, pp. 9-45).

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EDWARD MARTINDALE was born at Sandy Hill, New York, February 4, 1817; he died in San Diego, California, July 14, 1904. Coming to Des Moines in 1883 to practice law, he was for many years a prominent resident of the city. He was at one time Chancellor of the Diocese of Iowa, a member of Crocker Post, G. A. R. and of the Loyal Legion of the Commandery of Iowa. His family was a distinguished one in New York state, his father serving in Congress twelve years. His own education was received in Union College, Schenectady, New York, where he graduated in 1836. He practiced law in the city of New York from 1840-83, with the exception of the time he served in the rebellion. He was in many severe battles as Lieut.-Colonel of the 26th New Jersey regiment, was later promoted to Colonel, and after the capture of Richmond served as military governor of Petersburg, Virginia. On several occasions he refused the rank of brigadier-general. A few years ago he left Iowa to make his home in California.



MRS. SARA B. MAXWELL was born in Columbiana county, Ohio, February 12, 1837; she died in Pittsburg, Pennsylvania, October 12, 1904. In 1863 she removed with her husband, William Maxwell, to Panora, Iowa. He served for two years as clerk of the district court in Guthrie county and was a member of the 14th General Assembly. In 1877 he was murdered with his son in New Mexico where he had gone to establish a ranch. In 1878 Mrs. Maxwell was appointed State Librarian by Governor Gear, to succeed Mrs. Ada North, and served until 1888. She was the author of the "Centennial History of Guthrie County," published in 1876, also of "Social Forms and Usages." She was employed by the Iowa Commission to make an exhibit of books and pamphlets by Iowa authors at the World's Fair, Chicago. In 1897 she was elected librarian of the theological school in Meadville, Pennsylvania, which position she retained until within a short time of her death.

MRS. MELVINA J. SHAFFER was born at Carmichael, Pa., September 6, 1833; she died at Keokuk, Iowa, June 15, 1904. She was educated at Olome Institute, Cannonsburg, Pa., becoming a school teacher in that city. She was united in marriage to Dr. J. M. Shaffer at Elizabeth, Pa., March 18, 1856. In the following month the young couple came to Iowa, settling at Fairfield. In 1876 they removed to Keokuk which was thereafter their home. Mrs. Shaffer was a leading member of the First Unitarian church of Keokuk. Dr. Shaffer became one of the best known citizens of Iowa, as a leading member of the medical profession and a naturalist, as one of the founders of the State Agricultural Society, and a man of affairs. He was ably assisted in these several fields of usefulness by his cultured and devoted wife.

HANNAH LARRABEE WILLIAMS was born in Ledyard, Connecticut, November 23, 1825; she died in Grand Meadow township, Clayton county, Iowa, November 17, 1904. She was the daughter of Capt. Adam Larrabee and a sister of Ex-Governor William Larrabee of this State. She was the wife of Judge Elias H. Williams, who settled in Grand Meadow after a short residence in Garnaville. *The Cedar Rapids Republican* pays a beautiful tribute to the memory of Mrs. Williams. It says, "She had an intellect as keen as a rapier. . . . For more than fifty years she was part of the life of northeastern Iowa. . . . Her influence will not entirely go out of the hearts and minds of the people who live there."

LE ROY G. PALMER was born in Christian county, Kentucky, November 3, 1821; he died in Mt. Pleasant, Iowa, October 19, 1904. He served in the Mexican war as a member of Company B, 4th Illinois Infantry. In 1847 he removed to Iowa and located in Mt. Pleasant, where he began the practice of law, and became one of the ablest members of the bar of southeastern Iowa. He was a member of the State senate during the extra session of the 8th General Assembly, having been elected to fill a vacancy. In 1862 he was elected county judge of Henry county and served one term. At one time he was candidate for Congress on the democratic ticket.

CHARLES I. BARKER was born in Westmoreland, New Hampshire, June 4, 1826; he died in Burlington, Iowa, October 6, 1904. He was a veteran newspaper man, having begun work in a printing office in 1846, at Keene, New Hampshire. He afterwards worked on papers in various states. In 1867 he located in Burlington, and for many years published *The Gazette*. In 1872 he was a delegate from the 1st Iowa district to the convention that nominated Horace Greeley for the presidency. He was at one time candidate for State treasurer, on the democratic ticket, and he was a member of the House in the 25th General Assembly.

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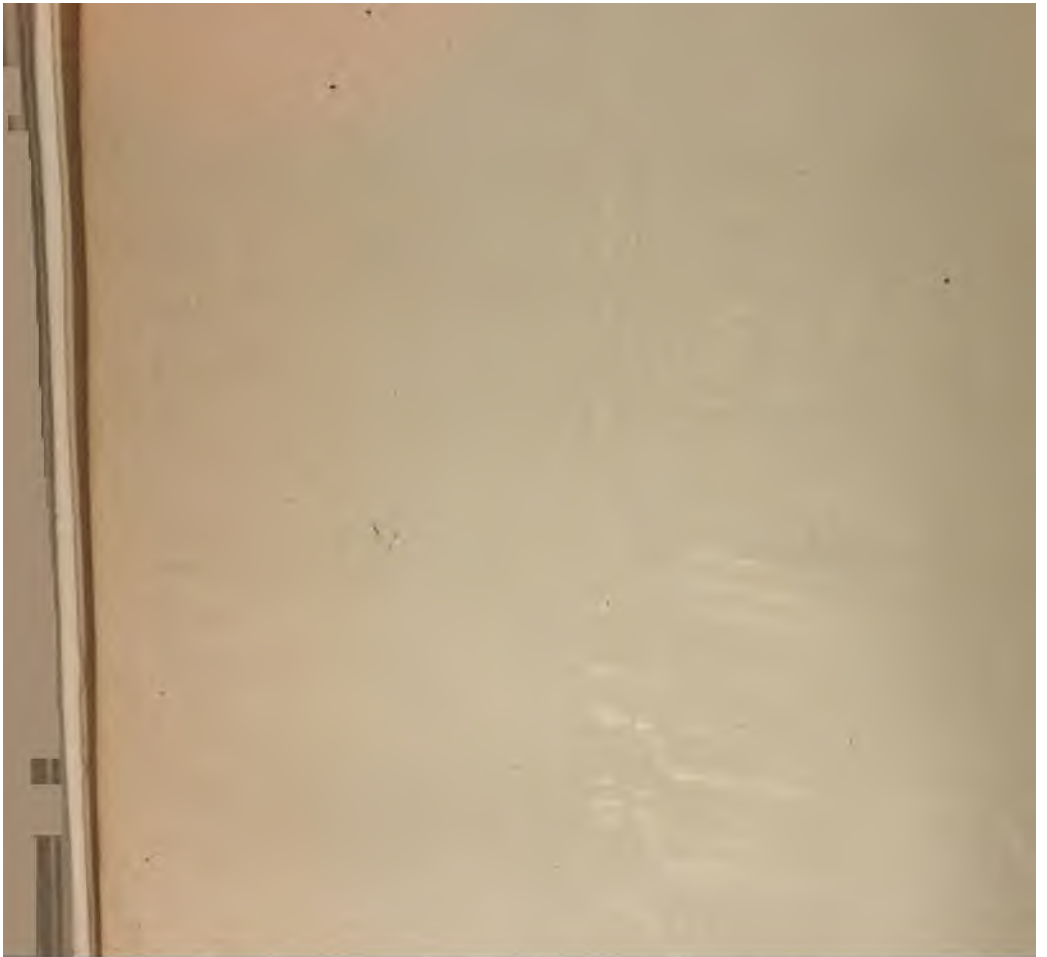
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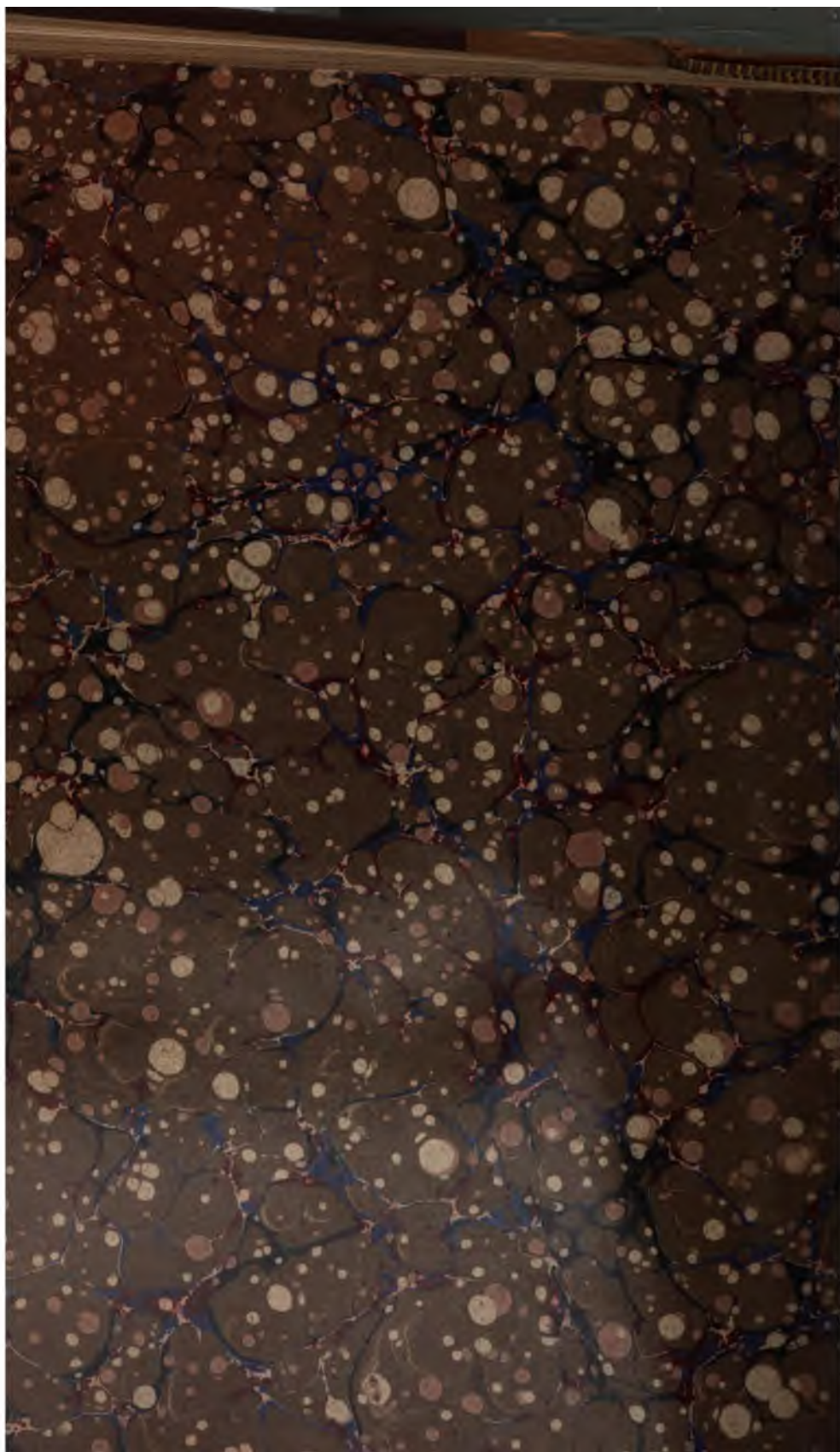












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